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*** The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.

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CURRENT TOPICS.

WE VENTURE to draw attention to the series of articles on the practical working of the new Order 30, as to compulsory summons for directions, the first of which appears in our issue of this day.

MR. SPENCER WHITEHEAD has been appointed a Chancery Master in the place of Mr. RAVEN, deceased.

THE RESIGNATION of Lord ESHER is generally believed, notwithstanding the curious form in which it first appeared, namely, as a statement by the learned judge to a "representative" that he had resigned his office, but had not been informed that his resignation had been accepted. That is not quite the answer which those who know the learned judge would have anticipated in reply to the query of an enterprizing reporter anxious to ascertain whether he was really going, and it is not in accordance with the etiquette usually observed in such matters that a judge should announce his retirement before it has been accepted. The question now exercising the *quidnuncs* is who is to become Master of the Rolls; and the favourite "tip" on Thursday was that both Sir RICHARD WEBSTER and Sir EDWARD CLARKE had declined the post, and that Lord Justice LINDLEY was to succeed to it.

THE ARRANGEMENTS for the English substitute for the "Red Mass" of the Paris courts are now complete. The Lord Chancellor, Her Majesty's judges, and the Bar of England are to attend a special service at Westminster Abbey at 11.45 a.m. on the first day of the Michaelmas Sittings. Barristers attending the service must wear robes, and Doctors of Law of British universities are to be at liberty to appear in the somewhat brilliant full-dress gown proper to their degree. These sombre and gaudy persons are to assemble in the Jerusalem Chamber; the procession which is a feature of the Paris ceremony apparently not having yet been developed. The day will really be a very laborious one for learned and venerable judges. Hardly have they breakfasted, when they will be called upon to drive in full robes to Westminster Abbey; hang about until they can proceed in due state to their seats, headed by the Chancellor; listen to an "assize sermon" and consider the very odd effect of the Doctors blooming like poppies in a field of black oats; then thankfully adjourn to discuss the Chancellor's champagne; and finally go to the Royal Courts to take part in the annual struggle up the Great Hall. We may add that there are strong hopes that the "silver oar" of the Admiralty Court will go with the judge to church; and it is generally felt that the Doctors should be given a chance of shewing their attire in the Great Hall of the Royal Courts. The colour of their garb has given rise to the suggestion that they might act as "beefeaters" to the judges.

THE PROVISION of the bankruptcy law which sets aside a conveyance of property made with the view of preferring one

creditor to another (Bankruptcy Act, 1883, s. 48) frequently raises difficulties in practice, as the invalidity of the conveyance depends upon the state of mind of the debtor, and not upon the circumstance that certain creditors are in fact preferred. Where there is no special indication of the motive which influenced him, it is natural to judge of his intention by the actual result, and the advantage given to the creditors taking under the conveyance may be sufficient proof that this advantage was the motive which influenced the debtor. But if he is exposed at the time of the conveyance to some special penalty or liability which the conveyance will avert, it is possible to attribute the conveyance to the desire of the debtor to save himself rather than to an intention to give an undue preference. This was recognized in *Ex parte Taylor* (35 W. R. 148, 18 Q. B. D. 295), where the debtor had misappropriated bonds which had been allowed by trustees to be in his custody, and shortly before his bankruptcy gave the trustees a mortgage on part of his property as an indemnity against any liability they might have incurred. It was held that the bankrupt's dominant motive in creating the mortgage was, not to prefer the trustees, but to save himself from exposure. A similar decision has been given recently by the Court of Appeal in *New, Prance, & Garrard's Trustee* v. *Hunting* (45 W. R. 577; 1897, 2 Q. B. 19). One of the debtors, PRANCE, had committed various breaches of trust, and, two days before the bankruptcy of the firm, he conveyed property to trustees, upon trust to raise thereout a specified sum of money and apply it in making good the breaches of trust. The deed recited that he was desirous of rectifying the breaches of trust and of shielding himself as far as possible from liability for proceedings in respect of them. It was held that, although the result of the deed was to give a preference to the *cestuis que trust* over the other creditors, yet the dominant motive in the mind of the bankrupt was to avert the punishment to which he had exposed himself, and hence the conveyance was not impeachable.

THE CASE of *New, Prance, & Garrard's Trustee* v. *Hunting* also confirms the important difference which exists between an ordinary conveyance in trust and a conveyence in trust for creditors. Unless the settlor expressly reserves a power of revocation, an ordinary conveyance in trust is irrevocable, notwithstanding that it has not been communicated to the beneficiaries. The conveyance makes the gift in their favour complete, and puts it out of the power of the settlor to take away what he has bestowed (*Ellison* v. *Ellison*, 6 Ves. 656). But under the doctrine of *Garrard* v. *Lord Lauderdale* (3 Sim. 1, 2 Russ. & My. 451) a conveyance in trust for creditors stands in a different position, and although the transfer of the property is complete, yet the property still remains under the control of the debtor until notice of the conveyance has been given to the creditors, or some of them. And it seems that the mere notice to the creditors will not take away the debtor's power of revocation; there must, further, be evidence that the creditors have in some way relied on the conveyance, or have expressed their satisfaction with the arrangement (*Harland* v. *Binks*, 15 Q B. 713). At first sight it is not easy to see why a conveyance in trust for creditors should differ in this respect from an ordinary trust, but the distinction has been put upon the ground that in the former the trust is not so much a final trust for the benefit of the creditors as an arrangement made by the debtor for his own personal convenience and accommodation, and in *Johns* v. *James* (26 W. R. 821, 8 Ch. D. 744) it received the approval of JAMES, L.J. "If it were supposed that such a deed as that created an absolute irrevocable trust in favour of every one of the persons who happened at the time to be a creditor, the result might have been very often monstrous. It would give him no opportunity of paying a creditor who was pressing; no opportunity of settling an action; no opportunity of getting food for himself or his family the next day, or redeeming property pledged." But though a conveyance in favour of creditors generally is thus revocable until accepted by them, the principle does not apply to a conveyance in favour of a particular class of creditors, where, as in *New, Prance, & Garrard's Trustee* v. *Hunting* (*supra*), the object of the conveyance is to secure payment of their debts in any event. It is then not an "agency deed"—that is, a deed in which the trustee is an agent for the debtor—but an irrevocable conveyance in trust for the specified creditors.

A VERY interesting paper on "The Growth of the Debenture" is contributed by Mr. MANSON to the current number of the *Law Quarterly Review*. Mr. MANSON is by no means in accord with the reformers who think the debenture has been allowed too free a growth, and who would check its exuberance. He very properly regards it as a form of security which has sprung up to meet business requirements, and he describes the successive stages by which it has come to be a security convenient for companies and suitable for investors whether large or small. As between the various debenture-holders equality prevails, and according to modern practice the debentures are freely transferable. Under the trust deed there are trustees who look after the interests of the holders, and, upon any difficulty arising, the security becomes enforceable. As a rule, in the case of a trading company, the assets are not immediately realizable, and hence a manager can be appointed to carry on the business until the claims of the debenture-holders can be satisfied. All this and much more has been worked out in the course of the last half-century, and the only persons on whose behalf any objection has been raised are the general creditors of the company, who, when a winding-up comes, find themselves postponed to the debenture-holders. But Mr. MANSON adopts the view that the creditors may safely be left to look after their own interests. "In weighing the hardship it must not be forgotten that creditors in these days know, or must be taken to know, of the existence of debentures in most companies, and it is their own fault if they go on trusting a company without good evidence of its solvency." Perhaps this carries the case for the debentures rather far. No hint is given as to desirability of registration, which would put the creditor in possession of an important item in deciding on the desirability of having dealings with the company. Undoubtedly, however, the debenture has met a want developed in these days of joint-stock enterprize, and Mr. MANSON finishes his article with a sentence in which the real force in the development of commercial law is neatly described: "What is to be borne in mind is that, in these matters, the mercantile community is the real legislator. The draftsman puts into shape, judges define and harmonize, Parliament gives its *imprimatur*, but it is mercantile custom and mercantile convenience which make the law."

THE RECENT decision of KEKEWICH, J., in *Re Jones, Christmas* v. *Jones* (45 W. R. 598), is a very strong assertion of the right of an administrator to be allowed his costs of an administration action, even though the action has been rendered necessary by a claim made by him which turns out to be unfounded. The estate of the testator, which was situate in the Transvaal, was at first supposed to be worth £20,000, but the actual sum realized was a little over £700. The administrator incurred an expense of £500 in making two journeys to South Africa, and he claimed to be allowed this sum out of the estate. In an action brought against him for an account of the estate, the chief clerk made his certificate disallowing the £500, and a summons to vary the certificate was dismissed. Another sum of £60, which the administrator had advanced for the maintenance of a member of the testator's family, was also disallowed, and the administrator paid into court the balance found due from him, amounting to a sum of £600. It was then contended by the plaintiff that, since the administrator had failed in the claims which had rendered the action necessary, he ought to pay the costs; and the contention was enforced by reference to the smallness of the estate, and the substantial reduction which would be effected in it if the costs were thrown upon it—a state of thing which was described as shocking. But KEKEWICH, J., saw that there was another side to the question, and that the matter he had to decide was of greater moment than the further reduction of an estate which had already sunk from an anticipated £20,000 to the figure mentioned above. "If," he said, "I disallow the administrator these costs—to which, according to the rules and practice of the court, he is fairly entitled—that would be far more shocking, because it would not only be against the rules and practice of the court, but directly contrary to honesty."

The passage which follows in the judgment lays down in perfectly clear language the position of a personal representative or trustee in regard to costs: "A man who fulfils the difficult duties of administrator or executor and trustee is, in common sense and common justice, entitled to be recouped to the very last penny everything that he expends honestly and properly—that is to say, without impropriety—in his character of administrator, executor, and trustee." Hence he is entitled to the costs of defending a claim which he honestly and without impropriety makes against the estate, notwithstanding that the claim fails; and none the less because the costs will very much lessen the money coming to the beneficiaries. In the present case, therefore, the administrator was allowed all his costs of the action.

THE PRESENT position of the county courts, the work accomplished by them in the past, and their possible future, are subjects to which, in any assembly of lawyers for deliberative purposes, reference is sure to be made. It is therefore not surprising to find that, at the recent provincial meeting of the Incorporated Law Society, a paper entitled "County Courts," from the pen of Mr. E. J. TRUSTRAM, was forthcoming. Much that is comprised in this thoughtful paper merits favourable consideration. The demand that, in view of the largely extended jurisdiction of the county courts since their formation in 1846, the harassing nature of small debt county court procedure should be amended, and that someone other than the judge (whose attention is required for more important matters) should be deputed to deal with small debt process, will, we think, meet with a large measure of support. It is indeed true that the registrar may, even now, by virtue of section 92 of the County Courts Act, 1888, on the application of the parties and by leave of the judge, hear and determine any disputed claim where the sum claimed or the amount involved does not exceed £2. This very timid provision, though a step in the right direction, should obviously pave the way for some bolder and more far-reaching enactment of the kind indicated by Mr. TRUSTRAM. The new County Courts Bill, originating with the Chambers of Commerce, does apparently, to some extent at all events, meet the present difficulties by handing over to registrars some of the petty business which now occupies so much of the time of the judges themselves. It does not, however, embody another valuable suggestion made by Mr. TRUSTRAM, and create, for the benefit of county court suitors, any practice similar to order 14 in the High Court. That this practice should be extended to county court default summonses over £10 is, we believe, an opinion widely entertained by the profession, and one which the united efforts of the Bar Council and the Incorporated Law Society should be able to bring about. The latter part of Mr. TRUSTRAM'S paper deals with the abortive County Court Rules of March, 1897. These rules, it will be remembered, were found to be unworkable, and, after their operation had been postponed from the 25th of March to the 25th of May, they were annulled, and new rules substituted, which have not yet been issued. It is to be hoped that their framers will, before it is too late, carefully consider Mr. TRUSTRAM'S practical suggestions, many of which accord with opinions already expressed in these columns (*ante*, vol. 41, p. 399).

THE ANNUAL REPORT of the Local Government Board, which has just been issued, contains some particulars relating to the administration of the Food and Drugs Acts which ought to be carefully considered by all magistrates. No one can deny the truth of the statement made therein that "the only way to extinguish adulteration is by rendering it unprofitable." It ought to be the duty of the magistrates to render it unprofitable, but unfortunately this is just what they do not attempt to do in a very large number of cases. In the report cases are mentioned in which milkmen were fined one shilling who had added large quantities of water to their milk; one case in which a publican who had adulterated his whisky with over 15 per cent. of water was let off with a fine of half-a-crown; and another in which a tradesman who had been three times previously convicted under these Acts was, for a fourth offence, fined the ridiculous sum of sixpence. Most people will probably agree with the representations made to the Board by "many local authorities" that "the inadequate fines repeatedly inflicted by magistrates are an encouragement to adulteration." It is easy to see that a grocer who sells as pure coffee a mixture containing 60 per cent. of chicory must find it a very paying business, and if he is not to be fined more than one shilling for so doing (as in a case mentioned) he will probably not be consulting his own pocket by discontinuing his dishonest practices. The report does not discriminate the cases it mentions in any way according to their merits, and there must have been in some of them proof that the adulterated food was sold by mistake, in which cases a nominal penalty would probably satisfy justice. This can have been so, however, in only a very small proportion of the cases, and when we see that out of 2,349 cases in which fines were imposed, over a third of the offenders were fined small sums not exceeding ten shillings, it is hard to avoid coming to the conclusion that the magistrates are not severe enough in dealing with these offences. It is not satisfactory to find that the milkmen of London are still almost the worst in the quality of the milk they supply; while, on the other hand, it is gratifying to read that "adulteration of bread is an exceedingly rare occurrence," and that out of 1,090 samples of bread and flour which were analysed during the year under review, only four were condemned.

THE NEW RULES AS TO DIRECTIONS.

I.—THEIR PRACTICAL WORKING.

ON the 25th of this month the new Order 30 will come into operation with regard to proceedings commenced by writ in the High Court. Seldom in the history of our legal procedure has a new departure of such importance been taken with so little accompanying information as to its probable practical working. All that the profession knows about it is conveyed in the words of the rules themselves—namely:

(1) That the issue of a summons for directions is made compulsory in all actions commenced by writ to which an appearance is entered, except admiralty actions and actions for trial without pleadings under ord. 18*a* (ord. 30, r. 1 (*a*) (*d*)).

(2) That the summons must be issued by the plaintiff within fourteen days after appearance, otherwise the defendant may apply to dismiss the action (ord. 30, r. 3).

(3) That the plaintiff is prohibited after appearance in an action to which the order applies, from taking any step other than the summons for directions, except an application for an injunction, or for a receiver, or for summary judgment under ord. 14, or for judgment in default of defence under ord. 27, r. 2 (ord. 30, r. 1 (*b*)).

(4). That the summons shall be returnable in not less than four days (ord. 30, r. 1 (*a*)); that no affidavit shall be used on the hearing of it except by special order (ord. 30, r. 3); and that upon such summons the court or a judge shall have power to direct the whole course of the action, including the place and mode of trial, and probably the time when the trial shall take place (ord. 30, r. 2, and Form Appendix K, No. 4 (*a*)).

It may appear at first sight as if the information contained in the above provisions was sufficiently definite and complete to indicate clearly the course which the new procedure will take, but, as a matter of fact, directly we come to apply the new order to an action we are considerably in the dark.

Let us take, for example, an ordinary Chancery action for specific performance of an agreement or execution of a trust, or cancellation or rectification of a deed. How is the order to be applied? Within fourteen days after appearance the plaintiff must issue a summons for directions. What is he to ask for? It is obvious that a plaintiff in an ordinary Chancery action can rarely, if ever, be in a position, fourteen days after appearance, to ask for directions covering all the interlocutory steps in the action. It would appear, therefore, that when the Rule Committee included Chancery actions within the scope of the new order they did so merely as a safeguard, and not with the in-

tention of bringing such actions within the practical operation of the order. If actions in the Chancery Division had been excluded from the scope of order 30, the practice of issuing ordinary Queen's Bench writs in the Chancery Division might have sprung up to avoid the stringency, and evade the provisions of, the new order 30. We may safely assume, therefore, that there is no intention to disturb procedure in the Chancery Division. Nevertheless, the practical question remains: What is the solicitor having the conduct of an ordinary Chancery action to ask for when he issues the compulsory summons for directions? The words of ord. 30, r. 2, furnish the necessary loophole for getting out of the difficulty. The directions are to be given "as far as practicable," and the discretion given by the rule is almost unlimited. It would therefore be quite consistent with the rule, and also with what we have assumed to be the intention of the Rule Committee in framing it, if the plaintiff in a Chancery action were to ask in the summons for directions "that pleadings be delivered in ordinary course, and the summons adjourned generally." If either party desired subsequently to apply for interrogatories, inspection, examination, "or any other interlocutory matter or thing" (see Form Appendix K., No. 3A) he could do so without issuing a fresh summons by serving a two clear days' notice to the other party, stating the grounds of the application. Thus in Chancery actions the only effect of the new order 30 will be to substitute a single ten-shilling summons for directions, *plus* several notices of subsequent applications under it, for the several ordinary three-shilling summonses now issued for various interlocutory purposes. The only point of practical importance for Chancery practitioners to bear in mind is that on taxation of costs of proceedings subsequent to the 25th of October it is more than probable that the master will disallow to either party the cost of issuing interlocutory summonses grounding applications which might have been made without summons by notice to the other party under the one general summons for directions under ord. 30, r. 5.

In the above remarks we have shewn that there is no reason to suppose that order 30 was intended to disturb procedure in Chancery actions, or that it will have that effect. That it is primarily—one might almost say exclusively—intended for the future regulation of Queen's Bench actions there can be no doubt. If in accomplishing this purpose the proceedings in Chancery and Probate actions are affected to a slight extent, without any accompanying advantage to litigants in those divisions, we must bear in mind that the number of Chancery and Probate actions by writ is almost trifling compared to the number of writs issued in the Queen's Bench Division, and that actions and matters commenced by originating summons are not affected in any way by the new order as to directions. According to the judicial statistics, the total number of Chancery writs in 1894 was 3,215, and of Probate writs 214, while the total number of Queen's Bench writs was 71,777. In considering the new order 30, therefore, it is in the light of procedure on the Queen's Bench side that we must consider it. We will proceed to do so, merely premising that it must not be supposed for a moment that the whole, or even a quarter of the 71,777 actions in the Queen's Bench Division will be brought under the operation of the new order 30. The number which will actually come within the practical working influence of the new rules can be ascertained with some precision from the judicial statistics. The figures are somewhat surprising and extremely interesting, and we propose to deal with them later on. For our present purpose it is only necessary to point out that procedure to judgment in default of appearance, or under order 14, or after trial without pleadings under order 18A, is not affected by the new rules.

The first point of importance which will arise on the 25th of October, when the new rules come into operation, is as to the precise extent to which they will apply to existing proceedings. The Long Vacation having just expired, there will of necessity be a number of actions in which the time for defence expired during the vacation. What are the respective positions of the plaintiffs and defendants with regard to those cases in the light of the new rules? We will take the defendant's position first, because it appears to be free from doubt. In ordinary cases a defendant whose time for defence expires in the Long Vacation has all day on the 24th of October to deliver his defence. This year the 24th falls on a Sunday, and such defendant has therefore all day on the 25th of October to deliver his defence. The new order 30 does not in any way affect that right. It puts no prohibition on delivery of defence; therefore it does not curtail the defendant's time for defence where one is due. In the particular cases where the delivery of pleadings is allowed by the new order 64, r. 4, on and after the 1st of October, the above rule for ordinary cases does not apply, and judgment in default of defence under order 27 follows on default being made up to and including the 23rd of October.

The plaintiff's position on the 25th and 26th of October is more doubtful and more complicated, and involves the whole question as to how far the new order 30 is to be applied to existing cases. In ordinary actions (*i.e.*, actions not falling within the special provisions of the new ord. 64, r. 4) if the defendant's time for defence expired in the Long Vacation, the plaintiff cannot take any step on the 25th of October, because, as we have shewn, the defendant has the whole of that day wherein to deliver his defence. But what is the plaintiff's position under the new order 30 on the 26th of October where the defendant is in default of defence? The question is a difficult one to answer. The point is certain to be carried at once to the judge in chambers, possibly higher. In dealing with it, therefore, we must not be taken as speaking with any authority or certainty whatever. We may, however, throw what light we can upon it for the guidance of practitioners.

The first words of ord. 30, r. 1, are as follows: "(*a*) Subject, as hereinafter mentioned, in every action a summons for directions shall be taken out by the plaintiff returnable in not less than four days. (*b*) Such summons shall be taken out after appearance and before the plaintiff takes any fresh step," &c. Those words appear to bind the plaintiff absolutely after appearance, no matter what stage the action has reached at the time when the rule comes into operation. He must either take one of the alternative courses allowed him by the rule, or he must apply under the rule for directions. If, therefore, the defendant is in default of defence on the 26th of October, the plaintiff must either apply for leave to enter judgment under ord. 27, r. 2, or issue a summons under order 14 (which he could have done in the Long Vacation if the writ is specially indorsed), or he must apply for directions. He can elect which course he will adopt, but in making his choice it is important that he should bear in mind one peculiarity of order 30. It empowers the court or a judge to give judgment in default of defence under ord. 27, r. 2, if an application is made for that purpose. But if the application is made for directions, there is no power to make any order for judgment, but only to give directions as to any interlocutory matter or thing (compare ord. 30, r. 2, and Form Appendix K, No. 3A).

The next point which arises in applying the new order 30 to existing cases is as to the time when the plaintiff is bound to make his application under it. If the defendant appears on or after the 25th of October, the plaintiff must apply for directions within fourteen days from the entry of appearance, otherwise the defendant may apply to dismiss the action (ord. 30, r. 8). This point is one of merely passing importance, as it will apply to very few cases. The rule last referred to gives the court discretion either to dismiss on defendant's application or to give directions, and the judge or master in making his order during the first fortnight after the 25th of October will probably be guided by the circumstances of the case. We may, however, suggest that the safest course for the plaintiff will be to apply under order 30 as speedily as he can in all cases to which the order applies.

There must necessarily be a number of cases in which the time for delivery of statement of claim has expired during the Long Vacation. If our construction of the new order is correct, the plaintiff is precluded thereby from delivering his statement of claim on or after the 25th of October unless and until he has obtained leave to do so under an application for directions. It is important in this connection to point out that there is nothing to prevent the plaintiff from issuing his summons for directions before the 25th. The old order 30 is in force up to that date, and it empowers either party to apply for directions at any time. Moreover, the powers it confers on the court are precisely the

same in every respect as those conferred by the new order 30, which comes into operation on the 25th of October. A summons for directions, therefore, issued by the plaintiff at any time before the 25th, and made returnable for convenience on that day, asking for leave to deliver pleadings, would appear to be a complete compliance with the new rule.

Another preliminary point, which may be disposed of very shortly, is as to whether the summons for directions is a judge's or a master's summons. There is no doubt that these summonses will be dealt with in the first instance by the masters and district registrars. The new order 30 makes no change in this respect.

(To be continued.)

REVIEWS.

THE NEW ABRIDGMENT.

ENCYCLOPÆDIA OF THE LAWS OF ENGLAND: BEING A NEW ABRIDGMENT BY THE MOST EMINENT LEGAL AUTHORITIES. Under the General Editorship of A. WOOD RENTON, M.A., LL.B., Barrister-at-Law. Vol. 3: Chicory to County Courts. Sweet & Maxwell (Limited).

The quantity and variety of matter contained in Mr. Wood Renton's volumes appear to be no bar to their rapid production. The present volume bears testimony to the thoroughness with which the abridgment is being executed, and the list of names of contributors is a guarantee of the soundness of the work. A very interesting article on "Civil Law" is written by Prof. Holland, in which, after tracing its history on the Continent and in this country, he points out that it still has a use for English students for the grasp of legal ideas that it imparts, and in order to give familiarity with the notions and phraseology of international law. "Codification" is treated by Sir Courtenay Ilbert, who naturally begins with a reference to Bentham's ideal code, which was to be a rule for all men and in all things, and was to be subject to revision every hundred years. Since his day codification has had a lower sphere assigned to it, and under the influence originally of Savigny, the historical aspect of law has been made prominent. The law itself has certainly gained by this delay in any attempt at its systematic expression. "We have learned," says Sir Courtenay, "to form a more modest conception of what codification can effect, and to realize more clearly the difficulties which it involves, especially in countries which have already an advanced system of jurisprudence." Another article to which special attention may be directed is that on "Chartered Companies" by Mr. J. P. Wallis. In this the old law is very fully stated, and also the position of the companies formed under recent charters. Historical research is noteworthy, too, in Mr. W. F. Craies' article on "Conspiracy." The most important contributions to the volume are, perhaps, Mr. Manson's lengthy article on "Companies," Sir Frederick Pollock's article on "Contract," and the series of articles, contributed by various writers, on "Costs." Maritime law, as appears from the article on "Collisions at Sea," is still in the hands of Sir Walter Phillimore and Mr. G. E. Phillimore.

BOOKS RECEIVED.

The Modern Law of Real Property, with an Appendix containing the Vendor and Purchaser Act, 1874; the Conveyancing Acts, 1881 to 1892; the Settled Land Acts, 1882 to 1890; the Married Women's Property Acts, 1882 to 1893; and the Trustee Act, 1893, ss. 10-12. By the late L. A. GOODEVE. Fourth Edition. By Sir HOWARD WARBURTON ELPHINSTONE, Bart., M.A. (one of the Conveyancing Counsel of the Court), JAMES W. CLARK, M.A., and ARTHUR DICKSON, LL.B., Barristers-at-Law. Sweet & Maxwell (Limited).

The Students' Guide to the Law of Real and Personal Property and Conveyancing. By JOHN INDERMAUR, Solicitor, and CHARLES THWAITES, Solicitor. Fourth Edition. Geo. Barber. Price 10s.

American Law Review, September-October, 1897. Editors, SEYMOUR D. THOMSON and LEONARD A. JONES. London: Reeves & Turner.

The *Times* says that the Lord Chancellor, with the consent of the First Lord of the Treasury, has lately made an order abolishing the fee of £8 payable through the Crown Office upon the Letters Patent appointing to Crown livings. The Home Secretary and the Treasury have also arranged to do away with the fee of £7 13s. 6d. hitherto payable through the Home Office. This will reduce the fees payable upon appointments to livings in the gift of the First Lord of the Treasury from a total of £25 15s. 6d. to £10 2s. The order does not apply to livings in the gift of the Lord Chancellor, the fees for which have not been so high.

CASES OF THE WEEK.

Before the Vacation Judge.

Re THE COMPANIES ACTS, 1862 TO 1890, AND *Re* WIZARD CO. (LIM.). 13th Oct.

PRACTICE—EX PARTE INJUNCTION RESTRAINING ADVERTISEMENT OF WINDING-UP PETITION—SUBSEQUENT LEAVE TO ADVERTISE FOR LATER DATE.

Petition by Messrs. Hall & Meade, of 521, Fulham-road, theatrical property makers, that the company might be wound up by the court under the provisions of the Companies Acts, 1862 to 1890. In support of the petition it was said that the company was incorporated on the 23rd of August, 1897, under the Companies Acts, 1862 to 1890, as a company limited by shares. The registered offices of the company were situated at the Shaftesbury Theatre, Shaftesbury-avenue, London. The nominal capital of the company was £5,000, divided into 5,000 shares of £1 each. The objects for which the company was incorporated were to undertake and carry on the business generally of theatrical entertainments, concerts, and exhibitions, and to engage in the production of musical, dancing, and variety enterprizes of every kind. After its incorporation the company commenced and for some time continued to carry on business, but it was now indebted to the petitioners in the sum of £47 6s. for goods sold and delivered and work done, and the petitioners were unable to obtain payment of their debt. The company was insolvent and unable to pay its debts, and ought to be wound up. Upon the petition being presented, an *ex parte* application was made to the court for an injunction to restrain the presentation of it, and upon an affidavit made by Mr. A. H. Chamberlyn, stating that the company was solvent and able to pay all its just debts, and that the petitioners' debt was disputed, the injunction was granted. Notwithstanding that affidavit a few days afterwards the theatre was shut up, with £200 left owing. [RIDLEY, J., observed that he had an affidavit of Mr. Chamberlyn before him on Tuesday, which he was not satisfied with. He now feared that he might have done wrong in restraining the advertisement of the petition.] Upon the uncontradicted affidavit of Mr. Chamberlyn no other order could have been made. All the moveable property of the company had been removed during the last few days. The injunction restraining the advertisement of the petition ran off on Friday last, the 8th inst. It was asked that the petition might stand over, with leave to advertise it for the 27th inst.

RIDLEY, J., said that the petition would stand adjourned until the 27th of October, before Vaughan Williams, J. There would be leave to advertise it for that day.—COUNSEL, *Stewart-Smith*. SOLICITORS, *Wilkinson, Howlett, & Wilkinson*.

[Reported by J. E. ALDOUS, Barrister-at-Law.]

LAW SOCIETIES.

INCORPORATED LAW SOCIETY.

VICTORIA PENSION FUND.

	£	s.	d.
Amount acknowledged last week	8,394	7	0
Strick, Bellingham, & Hanson, Swansea, per D. Selfe	5	5	0
W. Robinson Smith & Son, Do. do.	5	5	0
Collins & Woods, Do. do.	5	5	0
J. Moy Evans & Thomas, Do. do.	2	2	0
R. & O. B. Jenkins, Do. do.	2	2	0
T. W. James, Do. do.	1	1	0
J. Ivor Evans, Do. do.	1	1	0
Acron Thomas & Co., Do. do.	1	1	0
Hartland, Isaac, & Watkins, Do. do.	1	1	0
H. Wilson Paton, Do. do.	0	10	6
E. H. Plant, Do. do.	0	10	6
D. Stanley Owen, Do. do.	0	10	6
W. E. Tyldesley Jones, Do. do.	0	10	6
"Faber"	1	1	0
J. Hanby Holmes, Barnard Castle	2	2	0
E. A. Harley, Small-street, Bristol	10	10	0
	8,434	5	0

ANNUAL PROVINCIAL MEETING.

The Annual Provincial Meeting of the Incorporated Law Society, at Cutlers' Hall, Sheffield, was continued on Thursday, the 7th inst. Mr. WILLIAM GODDEN (London), the President, again took the chair.

DILATORY DEFENCES.

Mr. F. K. MUNTON (London) read the following paper on this subject:

Many years ago—long before I received the honour of a seat on the Council, but while sitting upon an important practice committee at the Law Institution, London—I laboured hard, in conjunction with a well-known member of the profession (whose partner, like myself, now holds office), to urge a radical reform having for its object the suppression of dilatory defences. If my memory serves, we were supported by about nine out of twenty members, but small majorities often work great results—anyway, our scheme did not see the light, and the situation affording an opportunity of pressing our joint views never again pre-

sented itself. I therefore, on my own individual account, wish to enlist attention to the project, all present being aware that nothing said at these meetings pledges anybody but the author. Some of us are old enough to remember the passing of the "Summary Procedure on Bills of Exchange Act, 1855," one of the most sensible statutes to my mind which her Majesty's reign has produced. All who have reached even the meridian of life remember how effectually that Act worked in abolishing dilatory defences where a person was sued as one of the signatories to a promissory note or a bill of exchange, the cardinal point of the measure being that the plaintiff was entitled to judgment under his writ without any further ado, unless the defendant on oath satisfied the court official that he ought to be allowed to appear and defend. This excellent practice lasted for a good twenty years after the Act passed, and I was one of those who protested through the *Times* newspaper when by a stroke of the pen the system was abolished and the statute became practically cancelled. In my opinion it was wholly illegal to deprive a plaintiff of his statutory remedy by a mere rule; but in those days we were not so active and vigilant as we are in the present year of grace. Moreover, there were some members of the profession then, and maybe there are some even now, willing to regard order 14 (the invention of which was the avowed *raison d'être* for superseding the 1855 Act) as a substantial equivalent. Let us just see what the practical difference of proceeding under the 1855 Act and the present order 14 is in the case of an action, say, by a banker against the acceptor of a bill who wishes to gain time. Assume a writ to be issued and served to-day, in the middle of the first week in October. Eight days hence the dilatory defendant enters an appearance without the shadow of defence, shewn by statistics to be the case in nine instances out of ten where defendants appear followed by a judgment under order 14. The plaintiff must make an affidavit to upset the appearance, some four or five days probably elapsing before you can get under way and serve your summons. You are lucky if you get it made returnable during vacation in eight days after its issue—in other words, about the twentieth day after the service of the writ. And say you get your judgment on the twenty-first day. This is not an extravagant average, as the County Court Act of 1888 gives that margin of time for getting judgment under order 14 in High Court actions under £50 before compulsorily relegating them to the county court. Thus the total time involved is nearly double the eleven clear days given to the defendant under the 1855 Act to get liberty on oath to defend and enter appearance. I do not dwell on the extra cost of this circumlocutory judgment (nearly twice as much as that of judgment under the 1855 Act), for the public will not believe that lawyers object to a process on the ground that it nearly doubles the cost, though I will just record my personal belief that the nimble ninepence is better than the slow shilling. Dramatic writers and novelists will not allow us to be credited as law reformers, or recognise that those who have the courage to stand up at these meetings under the fierce light of the press exclude monetary considerations in the views expressed. I dismiss that part of the subject in unfolding my ideas on the suppression of dilatory defences, merely saying that the first point is to urge that we should endeavour to restore the procedure under the Act of 1855, an unrepealed statute to the benefit of which the British public are entitled as of right. It appears from the statistics before quoted that out of each hundred applications for summary judgment under order 14 there are but a fractional few where the defendants have any defence, the majority of the cases showing that not only have they no defence, but none is even put forward on the hearing of the summons. The appearance, in short, is entered as a mere dilatory process without the slightest ground for putting a plaintiff to expense and delay. Why should not a plaintiff, issuing a specially endorsed writ for a liquidated demand, be entitled to elect to attach to the writ the formal affidavit which he now swears in order to upset a dilatory appearance, and thus preclude a defendant from entering an appearance at all, unless accompanied by precisely the same affidavit required were he answering application for judgment under order 14? I will anticipate objections. Some practitioners have pointed out that the liberty of the subject demands that a defendant, possibly a poor and illiterate person, should be provided with the simplest of means for notifying that he denies an unjust claim. They recall, what many of us who have studied the history of the law know, that it was not until long after her present Majesty came to the throne that we abolished the practice where, when a defendant neglected to appear, the plaintiff was compelled to enter an appearance for him, and to fire off some blank cartridges through the official departments (which never, in fact, reached the object nominally aimed at) before a defendant could be treated as finally resolving not to worry the plaintiff's heart out by a dilatory defence. My answer to this is, that the spread of education has left very few of these illiterate defendants, and that, in point of fact, the man who knows how to enter an appearance in person without knowing a good deal more is a *rara avis*, and need not be seriously considered. There are some reformers, including my friend alluded to at the outset, who are in favour of disallowing an appearance to any writ making a definite claim, unless accompanied by the defendant's oath, and many of us here remember that under the old Chancery practice the defence to a plaintiff's claim was always sworn. I do not go so far; but I earnestly hope to see some practice established whereby mere dilatory defences can at any time and at any stage be questioned and got rid of; in short, that regulations should be made under which a plaintiff could apply summarily for judgment (of course at the strictest peril as to costs in case of abuse), a change which would by degrees practically put an end to the scandal occurring all the year round of judges and others commenting on "rotten" Queen's Bench causes, meaning the non-jury lists run through now and again at the rate of a dozen an hour. We are all aware that on the 25th of the present month (October, 1897) the new rule making it obligatory to issue a compulsory summons for directions in Queen's Bench cases comes into operation. I was one of the dissentients to the sweeping character of the rule, as I think it goes too far. I suggest that it is premature to issue such a summons within four days after appearance in a case where the writ is specially endorsed for a liquidated claim, as there are many instances in which a plaintiff may hesitate to proceed under order 14, where the defendant will not venture to put in any defence. In such cases, a summons for directions will turn out to be a needless expense. Practitioners will disobey the rule in these instances till after defence, the statement of claim on the writ being in itself the first "pleading," judgment going, as of course, in default. Dilatory defendants are unlikely to put the penalty of *non pros* into operation, as these recently issued rules invite, by way of impressing upon some of us who have steadily refused to issue these at present optional summonses that we shall endanger our clients' pocket if we continue to be unconvinced. With the exception named, I have always supported the principle of a summons for directions, and I should like to add to the numerous hypothetical remedies which the elaborate form of summons propounded by the authorities puts forward my remedy of having the defendant's appearance peremptorily struck out if found dilatory and evasive. But, it will be said, who are the experts to be trusted with these peremptory powers? and is the training of all the present masters of the Queen's Bench sufficient to warrant their exercising such functions? There are masters and masters, and I have the highest regard for some of them, but in my judgment too many serious interlocutory duties have already been cast upon that body. When I came into the profession the masters were engaged in taxing costs and hearing applications for time, and the like, besides being usefully employed in acting as referees where the disputes were mainly figures. I for one much regret that they have ceased to exercise this latter function, which often led to a short termination of a case. The introduction of the official referee in no way meets the position. Of recent years powers have been thrown upon masters which ought only to be exercised by a responsible judge possessing long experience of court work and the knowledge of mankind which such work secures. Such experience is important for deciding short and sharp issues especially such as would be involved if my plan of constantly weeding out "rotten" causes—by declaring defences dilatory—were adopted. I am not sanguine enough to think that these suggestions will rapidly take root; but in the meantime I should like to see a court for "short causes" constantly sitting, to which could be relegated the trial of cases where the point is reduced to a minimum, though not necessarily within the scope of speedy trial under order 14. The mixing together of causes which may take a day with those which on a moment's investigation would be found to be within the compass of half-an-hour or less is, I think, answerable for much of the disinclination of plaintiffs to prosecute cases to actual trial. This state of things would, I believe, measurably change if we all set our faces against dilatory defences and sought drastic rules for securing summary judgment.

Mr. Grantham R. Dodd (London) said he agreed with Mr. Munton's observations. He objected altogether to the present opportunities given to defendants to postpone the day of trial, or to put it off altogether, upon affidavits which often were scarcely short of perjury. It would be very desirable to return to the old Bills of Exchange Act, which had worked very well.

Mr. Melvill Green (Worthing) moved: "That the procedure under the Summary Procedure on Bills of Exchange Act, 1855, should be restored in the Queen's Bench Division." He said that this procedure had been practically repealed by the judges. It was still in operation at the county court, and, as a registrar, he saw how convenient and simple it was. It seemed to him that in principle it amounted to the judges repealing an Act of Parliament. It was a question whether the rules that practically repealed the Act were not *ultra vires*, and whether the old rules were not still in force.

Mr. Dodd seconded the motion.

Mr. F. W. Stone (Tunbridge Wells) supported the resolution, which was entirely in the interest of the public.

Mr. E. K. Blyth (London) quite agreed that the procedure under the Bills of Exchange Act was better and quicker than that under the present system.

Mr. H. Hughes (Sheffield) said the Scotch system was infinitely better, and there it was the exception to have a bill of exchange or a promissory note protested in consequence. He suggested that the Council should go a step further than the motion, so as to bring the procedure in line with that which prevails in Scotland.

The motion was carried.

Debentures: Their Registration and the Limitation of Their Issue.

Mr. H. S. Simmons (London) read the following paper:

The vast growth of the principle of limited liability is a matter of such universal recognition, its daily increasing dimensions are of such common notoriety, that there is hardly a well-informed person who has not a fair knowledge of the amount of business transacted under its protection. It is superfluous to refer to blue-books to establish either of such propositions. One has but to take up the financial or even the daily papers to see that numbers of companies are registered each week inviting subscriptions to a considerable extent from the public, and it is obvious that the investing public is an increasing quantity. Little of the gift of prophecy is needed to predict that in the near future there will be but few who will not be affected by the scope and operation of the company laws. It is but necessary to look around to know that millions are invested in the course of the year in limited liability enterprises, and that millions are lost. The ruin involved in the failure of companies of limited liability is so gigantic, and its instances are

so lamentably frequent, that he must indeed be dense who fails to note. But yesterday company promoters and company-mongers had a comparatively free hand for their financial operations, and there seemed to be but few who had aroused themselves to take a little interest in a question affecting, in a minor or greater degree, the welfare of the whole community. Even to-day it must be conceded that so lax is the law in its relation to limited companies that often desolation is spread where the timely intervention of the Legislature might have prevented it with comparative facility and with unanimous commendation. If there is one important branch more neglected in this respect than another, it is the law relating to debentures. The origin of the term "debenture" is obvious, and its user is of comparatively remote date. The following occurs in a passage of Dean Swift:

> Your modern wits, should each man bring his claim,
> Have desperate debentures on their fame;
> And little would be left you, I'm afraid,
> If all your debts to Greece and Rome were paid.

Beneath the foregoing there runs an undercurrent which is particularly suggestive. The use of the word "debenture" may, of course, apply to any debt, or to any document which even creates a debt, or acknowledges it (*Levy* v. *Abercorris Slate and Slab Company*, 37 Ch. D. 260). It need in no sense be in the nature of a mortgage or charge, so that in the widest exercise of its application it is probable that an I.O.U. would be held to be within its signification. To classify, it may be taken roughly that debentures are of two kinds, *videlicit*, those creating mere personal liability, and those creating a charge on property (*British Steam Company* v. *Commissioner of Inland Revenue*, 7 Q. B. D. 172). For the purpose of this paper, however, the term "debenture" will be used in its more modern acceptation, that is to say, as a document not merely creating personal liability or admitting or creating a debt, but rather as an instrument securing a debt or loan by a charge of some kind on the general or certain particular property of a company of limited liability, and in some instances on its uncalled capital. "Mortgage debenture" is, strictly speaking, the more correct form of expression to apply to this form of security, although it would appear that by common sanction the word "mortgage" has been abandoned. As already indicated, the limited liability system, with all that pertains to it (its debenture adjunct not being the least potent factor), is, by reason of its adaptability as a convenient method of transacting business, growing in public favour. It is therefore not surprising that its adoption has become practically universal in large enterprises, and of greater frequency in smaller ones. Before very many years there is no doubt it will acquire proportions of colossal nature, and it may safely be said that no undertaking will exist (if any do to-day) in which this particular form of conducting business will not largely figure. Owing to the very magnitude of these matters, fraud and chicanery of all kinds find under its shadow a fertile soil, and it is probably no exaggeration to say that they are practised to a degree alarming in extent and cruel in the result. Consequently, it is the duty and policy of the Legislature to impose all reasonable checks and safeguards which do not in too great a measure interfere with freedom of contract. Of these, the publication of the individual financial position, showing both assets and liabilities of all companies at frequent intervals, is the most reliable and practical. It is a strange anomaly that, while the subject of the nominal capital of a company is so jealously guarded, and the question of its increase and of its reduction is hedged around with well-established and somewhat restrictive formalities, yet the amount a company may borrow, either as a simple contract debt or upon debentures, and the authority upon which and to what amount such debentures may be issued, is left without statutory limit or control. The methods adopted by company promoters are "frequent and painful and free." Many are acquainted with their manœuvres: but for the benefit of the uninitiated the following is, tersely, the plan of operations: The promoter, when about to float a company, will either form a syndicate or appoint nominees, with whom the necessary contracts are entered into; he will obtain a board of directors, with more or less responsibility, according to the nature of the company and the attractions offered. He will then issue his prospectus to the public and obtain subscriptions. Subsequently he will proceed to wind up the syndicate or dispose of the nominees, unobtrusively securing his own profits; and, in the event of trouble in the future, it will be found that he is beyond the reach of the law, or has safely buried all evidence of his connection with the transaction. Upon the prospectus being issued to the public, it very often happens that the amount of cash subscribed is not very large, frequently not more than sufficient to ensure the provision of the requisite working capital. In these conditions, it is a not unusual course to raise money by way of debentures on the uncalled capital, thus enabling the promoter to be paid, with the least possible delay, his expenses and profit. It is not for a moment suggested that there are no straightforward promoters, or that there are no companies of value offered to the public, or even companies created by the shareholders themselves, without the intervention of any professional promoter. It is of course with regard to companies the progeny of the promotor that attention is directed, and it should be the object of those imbued with authority to see that the opportunities of unscrupulous promoters are as far as possible dissipated. One would almost hesitate to give expression to it as an axiom; but, nevertheless, it is as near the truth as possible to say, that very little that is good in the way of company shares is offered to the public. Prospectuses are issued in many good concerns; but it is surprising to observe what little there will be for the public to participate in, and how tender of its digestion in such cases is that *rara avis*, the honest company promoter. In a prosperous trading concern, for example, it is a rule where the profits of the promotion are somewhat slight, or where there are no direct cash profits resulting to the promoter, to issue a prospectus advertising the shares, simultaneously a "market is made" for the shares, the bulk being allotted for cash to the promotor or his nominees, who will put them out on the market at a very substantial premium. Few or no shares are allotted direct to the outside public, and the issue of the usual letters of regret serves only to whet the investor's appetite. The best known instance of this kind of transaction is that of an important brewery whose name here it would be somewhat invidious to particularise, but the shares of which stand at a premium, the envy of its kind. Where individuals are concerned, the Legislature has thought fit to impose certain safeguards to their financial dealings, and the application of the same to joint stock companies is of obvious advantage. It need hardly be said that fraud can be practised at time with far greater impunity by large corporate bodies than by individuals, and, unfortunately, with more widespread disaster. The necessity for registration of bills of sale, with the object of publishing the fact that a man has encumbered his personal property, has long been recognised, and still longer admitted. The natural consequence of the more public diffusion of the information through the medium of trade journals is a practical acknowledgment that the adoption of such a course met and satisfied a public requirement. Indeed, trade journals have so largely utilised the available records that in many instances their aid has become a *sine qud non* to successful trading, their prosperity being based mainly upon the correct repetition of these and other similar records. It is difficult to conceive why the same facilities should not be given to intending creditors in a company where not the paltry sums usually secured by bills of sale, but amounts of mammoth proportions are involved. True it is that as regards debentures a company is required to keep at its registered office a register under a penalty. But this again is environed with so many conditions and difficulties that in business matters and in every-day experience it is practically useless, mainly because a creditor or member of the company alone has the right to inspect the register. Section forty-three of the Companies Act, 1862, provides that: "Every limited company under this Act shall keep a register of all mortgages and charges specifically affecting property of the company, and shall enter in such register in respect of each mortgage or charge a short description of the property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge. If any property of the company is mortgaged or charged without such entry as aforesaid being made, every director, manager, or other officer of the company who knowingly and wilfully authorises or permits the omission of any such entry shall incur a penalty not exceeding fifty pounds." The provision of the same section as to inspection of the register is as follows:—"The register of mortgages required by this section shall be open to inspection by any creditor or member of the company at all reasonable times, and, if such inspection is refused, any officer of the company refusing the same, and every director and manager of the company authorising or knowingly and wilfully permitting such refusal, shall incur a penalty not exceeding £5, and a further penalty not exceeding £2 for every day during which such refusal continues; and, in addition to the above penalty as respects companies registered in England and Ireland, any judge sitting in chambers or the Vice-warden of the Stannaries in the case of companies subject to his jurisdiction, may by order compel an immediate inspection of the register." No provision is made for any intending creditor, and, although it would be open to anybody to demand an inspection of the register, and the refusal might arouse suspicion, yet, as a matter of fact, this is not the practice, because the officer having control of the register would naturally ask, "Are you a member?" "No!" "Are you a creditor?" "No!" "Well, I cannot allow you to see the register without the authority of the Board"; and in this the officer would be only fulfilling his duty, and the inquirer would feel that he was not justified in then pushing his investigation any further. Take the following case: A commercial traveller, when endeavouring to obtain a considerable order for his goods, is compelled to be particularly careful, in the course of his negotiations, not to give offence to anybody, and to make no references which should come under the observation of his intending customers. He is usually constrained to restrict himself to the assurance of a bank manager or to some other similarly indefinite reference. In many instances his information, being gathered from no reliable or rather responsible source, is of little value. The consideration of this hypothetical transaction makes it important to refer to a case which recently came before the courts, and which was a matter of considerable surprise and astonishment to those engaged in the study of company law (*Aron Salomon* v. *A. Salomon & Co., Ltd.*, L. R. February, 1897). The facts gathered from the head-note are as follows:—"A trader sold a solvent business to a limited company with a nominal capital of 40,000 shares of £1 each, the company consisting only of the vendor, his wife, a daughter, and four sons, who subscribed for one share each, all the terms of sale being known to and approved by the shareholders. In part-payment of the purchase-money, debentures forming a floating security were issued to the vendor. Twenty thousand shares were also issued to him, and were paid for out of the purchase-money. The shares gave the vendor the power of out-voting the six other shareholders. No shares other than these 20,007 were ever issued. All the requirements of the Companies Act, 1862, were complied with. The vendor was appointed managing director, bad times came, the company was wound up, and after satisfying the debentures there was not enough to pay the ordinary creditors. Held, that the proceedings were not contrary to the true intent and meaning of the Companies Act, 1862; that the company was duly formed and registered, and was not the mere 'alias' or agent of or trustee for the vendor; that he was not liable to indemnify the company against the creditors' claims; that there was no fraud upon creditors or shareholders; that the company (or the liquidator suing in the name of the company) was not entitled to rescission of the contract for purchase." Some remarks of Lord Watson are particularly noteworthy. He said: "The unpaid creditors of the company whose unfortunate position has been attributed to the fraud of the appellants, if they had thought fit to avail themselves of the means of protecting their interests, which the Act provides, could have informed themselves of the terms of purchase by the company, of the issue of debentures to the appellants, and of the amount of shares held by each member. In my

opinion the statute casts upon them the duty of making inquiry in regard to these matters. Whatever at present may be the moral duty of a limited company and its shareholders when the trade of the company is not thriving, the law does not lay any obligation upon them to warn those members of the public who deal with them on credit that they run the risk of not being paid. One of the learned judges asserts, and I see no reason to question the accuracy of his statement, that creditors never think of examining the register of debentures. But the apathy of a creditor cannot justify the imputation of fraud against a limited company or its members who have provided all the means of information which the Act of 1862 requires; and, in my opinion, a creditor who will not take the trouble to use the means which the statute provides for enabling him to protect himself must bear the consequence of his own negligence." Of course any utterance emanating from so distinguished a source as Lord Watson deserves the most careful attention and the highest respect. But it is obvious, on a comparison of the words used by the learned Judge with those in section 43 of the Act, that he has overlooked the main difficulty created by the Act, and has done violence to the context. There would be less point in comment if the section justified his observations (although business experience even then would not appear fully to warrant the result of his *obiter dicta*) and if the Act did, as a matter of fact, allow an intending creditor to refer to the register. The learned Lord entirely lost from view the fact that the general public have no right, as the law now stands, to compel a company to give them inspection of its register of debentures, as the statute only grants such right to creditors and shareholders; and, for an individual to be entitled in the former capacity, he must already have given credit to the very entity in respect of whose financial standing he is instituting inquiries. It is true that the directors are liable to a penalty of £50 if they *knowingly or wilfully* authorise or permit the omission of any entry in such registry; but this has been construed, and properly so, very strictly, and it has been held that an inadvertent error in the registration entails no penalty of any sort or kind (*Re Underbanks Mills Cotton Company* 1896, 31 Ch. D. 226). The maximum penalty is but £50, and that only when the omission to register is flagrant and wilful. Therefore, where proceedings had been taken under section 43 against a director for knowingly or wilfully authorising or permitting the omission of the entry on the register, it was held that he was not liable, inasmuch as he had directed the secretary to make the entry, and the fault was his that it had not been made (*Re Borough of Hackney Newspaper Company*, 43 Ch. D. 669). The penalties for failing to keep a register are practically a dead letter; and were it attempted to enforce them it is very improbable that a magistrate would inflict more than a trifling penalty or something very far short of the maximum imposed by the Act. Again, it must occur to the most casual observer that it is not a desirable condition of affairs for a mortgagor alone to be obliged to keep a register with particulars of his own liability. the veriest caution would suggest that it is the encumbrancer who should be responsible for seeing that the register is in order. Under the Bills of Sale Act a mortgagee is compelled to register his bill of sale subject to very severe penalties, and the mortgagor goes scatheless. It is interesting to note here parenthetically that Mr. Justice Vaughan Williams, in a case of the *Great Northern Railway Company* v. *The Coal Co-operative Society, Limited* (W. N. 1895, 142), decided that debentures secured on chattels of a society registered under the Industrial and Provident Societies Act, 1893, are bills of sale requiring registration within the Bills of Sales Acts (1878) Amendment Act, 1882, as bills of sale, being, in fact, to all intents and purposes bills of sale, and coming within the scope of that Act. He at the same time took pains to distinguish that case from debentures issued by a company registered under the Companies Act. Again, having regard to the vast bulk of company business transacted, it is patent that there should be a centralisation of all intelligence connected with every debenture issued by joint stock companies, so that at one centre all information may locate itself and permeate through the now well-established medium of trade journals to the public. If the legislature established such a centre, with its official records open to public inspection, it would have done all that could reasonably be required of it, and the public could make such use of the register as its own convenience might suggest. If a private individual desires credit, his prospective creditor will turn over the pages of one or other of the numerous trade journals and immediately be in a position to ascertain what registered information there is against him. This is most desirable and beneficial in business matters, involving the saving of trouble, time, labour, and expense; reducing everything to the smallest compass that ingenuity could devise or accuracy suggest. The form of debenture most in vogue at the present time is that known as the "floating debenture," which has been defined by the late Sir George Jessel as "a charge on the property of the company as a going concern, subject to the powers of the directors to dispose of the property while carrying on its business in the ordinary course" (*Re Florence Land Company*, 10 Ch. D. 530). Usually such charge comprises the whole of the assets of the company. The position therefore of a company giving such a debenture is this: that it has the right to deal with its assets, to dispose of them, to substitute one for another, and to carry on business generally as if there were no debenture in existence, but, as soon as a creditor comes down with an execution, the debenture holder has the right to intervene and deprive that creditor of the fruits of his judgment. Debentures as choses in action are exempted from the reputed ownership section of the Bankruptcy Act (*Re Pryce, Ex parte Rawbury*, 4 Ch. D. 685; *Re Jenkinson*, 15 Q. B. D. 446). A trader carrying on business with goods of which he is the apparent owner, and which he is allowed to use and dispose of, would be held in bankruptcy to own such goods, and therefore they would pass to the official receiver or trustee, to the detriment of the actual owner. The reason for this is as clear as possible. Creditors having traded with a bankrupt under the impression that the goods which they saw in his possession belonged to him, and having dealt with him in the belief inspired by such impression, are naturally entitled to all reasonable protection, and in bankruptcy to say, "The actual owner has allowed us to be deceived, and he therefore must take the consequences." Why should not the same principle apply to a limited liability company? The object underlying the whole of this doctrine is, as already pointed out, to secure greater freedom in business matters, and for the encouragement generally of commerce by the establishment of that confidence which the present regulations relating to debentures tend to stifle. It would seem that it is impossible to deduce a single fact formed for the protection of the creditor of an individual which should not apply with equal force where a company is concerned. Another and most staring contradiction, and that in the origination of the Companies Acts themselves, is the fact that, while the law requires under considerable penalty certain periodical returns to be made to the Registrar of Joint-Stock Companies to show the position of the share capital of a company, what calls are in arrear, and what amounts are uncalled upon its shares, yet no return is required to be made of the monies borrowed by such company, or of any debentures which may have been issued by it, and which may, and in fact in most instances do, include, and in many completely absorb, all outstanding calls and uncalled capital. Commerce cannot advance under circumstances of mistrust; and, on the contrary, where everything is open and above board, and where confidence abounds, it is a truism to say that business must thrive and the trade of the community wax prosperous. If a trader is solicited to enter into commercial relations with another, in which the giving of credit is involved, where it is impossible to see to what extent the apparent prosperity of the intending debtor is genuine, he, as a prudent man of business, must be, and is, very careful in his transactions, and little likely to commit himself to aught in the nature of speculation; consequently, in the vast majority of cases of this description, the business will be of stunted growth if ever it springs to birth. Whereas, on the other hand, if every means are afforded an intending creditor of investigating for himself, as far as is possible, the finances of his proposed debtor, he goes to work with a lighter conscience and a freer hand, and puts his whole heart and soul into the affair to bring it to a successful issue. It is of course not proposed to go to the length of adopting in their entirety the restrictions and regulations of the French Tribunal de Commerce, but there is a vast difference between their cramped and paternal regulations and the unwholesome laxity permitted by the English law. It is not so much the object of this paper to solicit assent to any particular plan of reform, as to the desirability of registration itself. Any scheme which is easy, and which would work well, should obtain recognition and assent; but, as affording an idea of a method of proposed registration, the following may not be amiss. The aim of a debenture issue is generally to obtain by an aggregation of small contributions and small contributors an amount of large proportions in itself, considerably in excess of what it would be possible to obtain in its entirety from any single contributory or from a limited number of contributories. Where debentures are created, the practice now is, in the case of a number of debenture-holders, to appoint trustees and to enter into a separate trust debenture deed; but where there be one or few debenture-holders reliance is placed on the provisions embodied in the debenture itself. It should consequently be made the duty of the trustees—or, where the number of debenture-holders is small, for such debenture-holders themselves—to register the debentures within a specified time, and in the same manner as bills of sale, at some particular public office; that is to say, by filing an affidavit setting forth the amount of the debenture and all other necessary particulars. This should be deposited with the registrar at the appointed registry. Of course, there would be some little difficulty in the case of debentures to bearer, though, as a matter of fact, these form a very small proportion of the debenture business carried on at the present. Debentures to bearer, however, could be identified by numbers and amounts in particular series of issue. The penalties might be similar to those imposed on failure to comply with the provisions of the Bills of Sale Act (1878) Amendment Act, 1882, or such other penalty as might be considered expedient. The natural consequence that suggests itself is, that the debenture should be void as a security, or be postponed to subsequent incumbrancers or simple contract creditors. The time has arrived when attention should be drawn to another striking anomaly with respect to debenture law. The legislature has declared it expedient in statutory companies to restrict the amount of the issue of debenture stock. For example, railway companies, by virtue of the Companies' Clauses Act, 1845, 1863, and 1869, as well as by the operation of the special Act creating them, have their borrowing powers considerably limited. Section 38 of the Companies' Clauses Act, 1845, is especially worthy of attention. It provides as follows:—"If the company be authorised by the special Act to borrow money on mortgage or bond, it shall be lawful for them, subject to the restrictions contained in the special Act, to borrow on mortgage or bond such sums of money as shall from time to time by an order of general meeting of the company be authorised to be borrowed, not exceeding in the whole the sum prescribed by the special Act, and for securing the repayment of the money so borrowed with interest, to mortgage the undertaking and the future calls on the shareholders, or to give bonds in manner hereinafter mentioned." It is therefore obvious that such restriction was, and is, necessary. Take a company with a capital of £100,000; after having borrowed another £100,000 on the security of its assets, the probability suggests itself that further hypothecation would be extremely hazardous to the lender. Of course there are exceptions, and it is quite possible that the heavier the advances the more prosperous the concern; but in the majority of instances the reverse is the case. Many companies issue debentures and continue to put them out so long as the credulous can be prevailed upon to accept them. There is no reason why that which applies to a big railway company should not apply to the ordinary trading company. The suggestion which this entails is, that every company should have its borrowing powers curtailed. The memorandum and articles of association frequently prescribe a limitation in this respect, but just as frequently refrain from doing so. It would be most desirable if it were made necessary to obtain the sanction of

the Board of Trade to the borrowing of money on debentures after an amount equal to the subscribed capital had been raised. A door to excessive and hazardous trading would thus to a great extent be closed. The administration of such a provision could be carried out with little difficulty, proper experts could be appointed, and the fees payable would more than reimburse the expenses entailed, and would no doubt prove a source of revenue in addition. Any suggested scheme is, to repeat, submitted with the idea of shewing with what facility a workmanlike and businesslike system should be carried into operation, and with what ease it would act, the proper impetus once having been given. With regard to the bills of sale register, for example, since the passing of the Bills of Sale Act (1878) Amendment Act, 1882, it has worked without a hitch, or at any rate without the slightest dislocation of its machinery that could be attributed to organic defect. To summarise, amounts of ever-increasing extent are annually sunk in debentures and debenture stock. It is therefore time that measures should be adopted to secure that, whilst those investing their money should have that protection to which they are obviously entitled, yet, on the other hand, that those who as ordinary creditors come in and deal with companies should have similar protection, and that means be afforded to them to ascertain that when they give credit to a particular company its assets are free, or at any rate that there is a sufficient margin left to meet its general indebtedness. The anomaly to which allusion has already been made, even casually considered, is ludicrous to a degree. The great railway companies, which form one of the chief bulwarks of the wealth of Great Britain, and are not only solvent but in some cases have means at their control sufficient to enable them to liquidate the National Debts of half-a-dozen European countries, are restricted from borrowing beyond a certain limit; whilst any nebulous company of the most obscure origin and doubtful prospects may borrow so long as it can find anyone to give the slightest credit to its stability. It may be urged that the reason for the distinction is that the one case is controlled by charter direct, whilst the other is a mere result of the indirect operation of general Acts. But this contention will not avail for a moment. The company is the off-spring of the legislature just as much by operation of a special Act of Parliament naming it individually as by a series of statutes providing for its existence and regulation, though merely indicating it by intention. It must, therefore, strike one as invidious that, whilst the legislature has thought fit, for the benefit of persons dealing with a certain class of companies, to place the same under certain wholesome restrictions, yet it has omitted to provide similarly with regard to another class in circumstances of even greater exigency. The legislature has over and over again intervened with the object of protecting the weak against the strong, in so far as such end can be achieved without encroachment upon the reasonable freedom of individual contract. The doctrine is by no means new. Does it not therefore strike one that the measures advocated are neither violent or fraught with mischief? It is patent that reforms of some such nature are not only desirable but absolutely imperative. The legislature recognises that the public requires protection; it permits companies to be established, and extracts from them a considerable revenue. It is not then too much to ask that in return it should secure that the financial position of limited companies should as far as possible be made public, that creditors should not be deceived, and, in fine, that the standard of commercial morality should be the same in the corporation as in the individual.

Mr. DODD agreed with the desirability of having debentures registered, but not that the fact should be published all over the world, after the fashion of the periodicals, which had caused the ruin of many people. But if the register could be searched by the public it would be of great benefit.

Mr. L. TATHAM (Manchester) said that a successful point of the paper was that the register of mortgages of companies was not open to anyone. It would be satisfactory if the register could be searched without going to the company's office. That was an alteration he hoped they would see in the next joint-stock companies Act. It was very hard to find when a company went into liquidation that everything was swept off by the debentures and the simple contract creditor was left without anything that could be touched, but it was sometimes an enormous protection to the assets of the company. There ought to be some means of knowing what the debentures were. A private register was not sufficient.

Mr. J. ADDISON (London) said that if he took a somewhat different view from Mr. Simmons on this subject it was for reasons which he did not think interfered with the spirit of his observations. He had a very great objection to the interference by a Government department with the business of companies or individuals. He did not like establishing registers under the control of Government departments. He thought it was not to the interest of the public or the profession that they should advocate the extension of the functions of the Board of Trade or any other body in the direction of interference. With regard to debentures there was another thing to be said. No one was bound to give credit unless he pleased, and in dealing with a joint-stock company a person giving credit wished for more information than when dealing with a private individual. He saw no reason why there should not be a register kept by each joint-stock company of its obligations, and why that register should not be open to every member of the public just in the same way as the company's register of members is open. With an amendment that each company should keep its own record, and keep it accurately and open to the public, he thought they would have done all that was necessary in this direction.

Mr. SIMMONS, in replying, said that the solicitors' lien on papers was the only thing that would stand in front of debentures. He thought that the consequence of registration would be publication after the fashion of *Perry's Gazette*, but such publication would be used only in commercial matters, and would not become the subject of everyday conversation.

NON-COMPETENCY OF PRISONERS AS WITNESSES.

Mr. W. P. FULLAGAR (Bolton) read a paper on this subject as follows:

A study of the statutes of our English law, whatever else it does, will, I think, bring forcibly home to us the fact that it is not the longest statutes which always make the greatest and most revolutionary changes. Two clauses on a sheet of foolscap may effect more far-reaching alterations in the law than a statute whose provisions extend over many hundred pages of printed matter. No better evidence of the truth of this exists than the Bill which was brought into the House of Commons in the recent Session to amend the Law of Evidence in Criminal Cases. Within a space of three-and-twenty lines it proposed an alteration in the administration of our criminal law, little short of a revolution, so far as regards a fundamental principle upon which the trial of prisoners has hitherto been conducted. I rejoice that as yet the Bill is not an Act, and for the reasons which I propose to lay before you to-day I sincerely trust that it may never become law. There is, perhaps, no study more interesting than to trace the gradual development and improvement of our criminal law administration during the last three or four hundred years. The keynote of that improvement has been the better securing to prisoners of a trial hedged round with every possible defence, not only against prejudice and oppression, but also against any semblance of hostility in act, motion, or feeling towards the accused. A French writer, speaking of our courts and mode of trial, and comparing them with those of France, says: "The courts of England offer an aspect of impartiality and humanity which ours, it must be acknowledged, are far from presenting to the eyes of a stranger. In England everything breathes an air of lenity and mildness. The judge looks like a father in the midst of his family, occupied in trying one of his children. Everything amongst us, on the contrary, appears in hostility to the prisoner. Even our presiding judge, instead of shewing that concern for the prisoner to which the latter might appear entitled from the character of impartiality in the functions of a judge whose duty is to direct the examination and to establish the indictment, too often becomes a party against the prisoner, and would seem sometimes to think it less a duty than an honour to procure his conviction." All who have been in French courts or have read accounts of their trials will admit the truth of this contrast, and it should come vividly before us when we are considering the change which the proposed amendment of our criminal practice would effect. The position of the prisoner has undoubtedly been improved in many material points during the last 300 years. Before the civil wars he had no previous notice of the evidence which was to be brought forward. He had no counsel, nor was he allowed to call witnesses on his own behalf. The defence was, in fact, restricted so as to increase the power of the prosecution, and to save them trouble. From time to time this state of things was remedied by statutory enactment, and finishing touches to a better order of things were applied by the Administration of Justice Acts passed in 1848. It should be noticed that husbands and wives have never, even in the old days, been compelled to testify against one another. Under our present system, too, the prisoner is absolutely protected from all judicial questioning either before or at the trial. An English judge would feel himself degraded if he were required or expected to enter into a personal conflict with the prisoner and extort admissions from him by an elaborate cross-examination. As we well know, the great fundamental maxim—the golden rule, I would call it—upon which our criminal administration has been conducted is that the accused is to be presumed innocent until he has been found guilty. Of the reason for this Mr. Justice Stephen, in his valuable work on criminal law, remarks: "If it be asked why an accused person is presumed to be innocent, the true answer is, not that the presumption is probably true, but that society in the present day is so much stronger than the individual, and is capable of inflicting so very much more harm on the individual than the individual, as a rule, can inflict upon society, that it can afford to to be generous." It is, I submit, the working-out of this maxim which gives to the criminal tribunals of England a grandeur and a dignity which nothing else can bestow, and which should make us very loath to entertain any change likely in the least degree to impair or destroy its effect. Let a stranger come into an English Court of Assize and watch and carefully consider the proceedings of a trial from beginning to end. On the one side stands the prisoner in silent but watchful attention, and fully assured that he will have every possible fair play and every chance at the proper time—either by his counsel or by his own questions and statement—of putting before the jury his version of the case. He knows perfectly well that the aim which is animating the prosecution—the judge, the jury, and all concerned in the trial—is not a desire to find him guilty, but to discover the truth and bring home the crime to the person who has really committed it. His case will be far more carefully considered, and greater weight given to the least point in his favour, than if it were merely a contest between him and the prosecutor which should win in the result. The counsel for the defence having no other refuge, and being unable to rebut the damning facts, in accordance with their brief and in most strict accordance with the spirit of English justice, exhaust their ingenuity in the production of suggestions, suppositions, and surmises. The business of the defence is personal; to secure, if possible—guilty or not guilty—the man's acquittal. On the other side would be seen the prosecution dispassionately laying before the court and jury the facts as they could be proved, and producing a close chain of the most pertinent and convincing testimony. Throughout the trial it is evident that the business of the prosecution is simply to discover the truth. Judge, counsel, and jury, all alike vie with one another to give prominence and consideration to every incident in the prisoner's favour. There is no animus displayed against him—all seem to feel that they are not trying him, but that they are sifting the facts in order to find the guilty person, whoever he may be. When all the facts have been stated and the prisoner has called his witnesses, and he or his

counsel have placed his version before the jury, the clear and impartial summing-up forms a fitting conclusion to what has been in every sense a free, full, and fair administration of justice. It seems to me that there is little which can be added to or altered in this system by way of improvement. On the other hand, when we come to consider what is proposed by the Bill of the recent session, which was to make the prisoner a competent but not compellable witness on his own behalf, I say unhesitatingly that such an alteration would entirely change the relations of the prosecution, and indeed of the court and jury, as regards the prisoner. The whole aspect of a criminal trial would be revolutionized. The prosecution would enter upon their case not, as heretofore, merely desirous to state the facts, but animated by a desire to make their case stronger than any which the prisoner by his evidence could set up. The prosecuting counsel would cross-examine the prisoner in the same spirit with a longing to win—or, in other words, to convict. There would be nothing to prevent cross-examination touching upon previous convictions, and how utterly unjust this would be! As has been well remarked to me by an eminent member of the Bar: "Such cross-examination is not really done to destroy credit, because an indicted man has no credit to destroy, but it necessarily makes the jury think that because he was convicted before, he is guilty again; an inference which is not always a sound one, and therefore is never safe." Again, if (as would often be the case) the judge found it necessary to cross-examine prisoners who gave evidence for themselves, this obligation would, I believe, make it absolutely impossible to preserve the complete impartiality of mind which is maintained at present, and which is of such great service to the judges and the public. I know that this is the opinion of one of our most eminent judges upon whom this onus of cross-examination has been occasionally thrown since the passing of what is known as "Stead's Act." How greatly, too, must the proposed change affect the jury! Would it not inevitably follow that the refusal of a prisoner to give evidence when he had the power to do so would tell strongly against him in the minds of any body of jurymen? Such refusal could not fail to create a very serious prejudice against the accused. Let us follow this on and assume that the accused is innocent; that he is a man who is incapable of giving evidence in a way to do himself justice, or that he is advised that although innocent there are suspicious circumstances which must come out if he tendered his evidence, and which makes it wiser for him to take the risk of his refusal to do so rather than have them inquired into and disclosed. He takes the risk, but the prejudice created by his refusal is too strong, and he is convicted. A grievous wrong is thus inflicted because the Legislature have thought fit to pass a Bill which Sir Herbert Stephen rightly calls "a Bill to promote the conviction of innocent persons," and as to which he says: "I think the wrong done to a wrongfully convicted man is so grievous and so gigantic that hardly any defects in the law would be so bad as a tendency to produce such convictions." An article in an Irish paper a few months ago dealt ably with the subject. It says: "The proposed alteration in the conduct of criminal trials with reference to the admission of evidence by the accused is a much more serious innovation than a first sight appears, and looks like a hasty concession to erroneous and too prevalent ideas of what 'liberty of the subject' means. It must not be supposed that Parliament is necessarily the most competent instrument to effect judicious reforms in legal procedure, and it is obvious that neither the Legislature nor any other body can wisely alter any practice based on a principle. Already, no doubt, the established rule has been broken in upon and set aside under the provisions of 'Stead's Act,' but that was merely in obedience to a panic of sentiment which the author of that Act very ingeniously worked up in the promotion of a campaign against certain vices alleged to prevail in London, and also in the interests of journalistic enterprize. But as the exception proves the rule, so this special alteration may be taken as an illustration of whether it would be wise to extend this so-called privilege to other cases. It does not seem to be recognized by those who advocate the new legislation on this question that once a person charged with crime is allowed to give evidence on his or her own behalf, the function and responsibility of the prosecutor are entirely altered. Moreover, the proposed extension is a most illusory choice offered to the accused; because under the aspect of being an option fairly balanced, it is nothing of the sort, for it makes all the difference possible which course the prisoner elects. If he elects to decline to give evidence, he creates a prejudice in the minds of the jury that cannot be eradicated, and which in the majority of cases may result in a conviction as a consequence of that prejudice. Therefore an option to the accused to give evidence or remain silent is not in effect an equal choice, and hence this so-called privilege imports an obstacle to the impartial and successful administration of justice. One often hears of the cruelty of compelling prisoners to observe silence expressed in the well-known phrase, 'he is not allowed to open his mouth'; but it is forgotten that there is much protection afforded in this obligatory reticence. The great objection, however, is that the right to give evidence or not to do so, according to what seems advisible, operates as a trap, and therefore is unworthy of any mode of doing justice. The fact is, the choice is only apparent. If the prisoner decline to give evidence, his so doing, however honest the jury may be, will probably be fatal. It may be urged that the law as altered will be a safeguard to those who are innocent. This is probably true, but it proves the general proposition applicable to all accused persons that the option to give evidence or not to give it is a snare. It would be better to reverse the law completely, and to compel prisoners to become witnesses, than to merely make it a matter of their own election. The main object is, of course, to do justice and administer the law, and we submit that it would be all the better done by adhering to the old system of casting the onus of proof on the prosecutor, and leaving the jury free to decide on their oath whether such proof has been given." With these arguments and conclusions I entirely agree. Seeing that the proposed change may be so serious in its consequences, let us consider whether it can be of any benefit to the parties accused—whether innocent or guilty—and how their testimony, if given, would probably affect the result of the trial. It must always be borne in mind that an enormous percentage (my own opinion would put it at 990 in every 1,000) of persons who are charged with offences in a court of justice are guilty. The only object, therefore, of the majority in giving evidence would be to escape conviction from just punishment, and they could only hope to effect this by misstating or misrepresenting the facts, or, in other words, by committing perjury. Any encouragement to perjury must of itself be a bad thing. With regard to the case of an innocent man unjustly accused, I can well imagine that the general public who are unacquainted with the scenes and circumstances of our courts and of the ordinary routine of a criminal trial, may be led away with the idea that if the man only could have the opportunity of telling his own tale, he would have far greater chance of an acquittal. They forget what we who have watched the course of any trial know only too well, that it is only one man in a thousand who can tell his own tale in such a manner as to impress upon a jury the certainty of its truth. Shakespeare has well said,

> "The silence often of pure innocence
> Persuades, when speaking fails."

A few years ago I had a twelve-months' experience of the Lancashire Assizes in a year when the charges under Stead's Act formed a material portion of each calendar, and when the accused constantly elected to give evidence. There was seldom a case in which, where this election was made, the man—to use a familiar expression—did not open his mouth merely to put his foot into it! A writer has reminded us that "some persons are so constituted that they cannot answer a series of questions concerning a matter in which they have a strong interest without looking as if they were lying." Confusion of facts, statements of circumstances ignorantly supposed to be favourable, but which only confirm the probable guilt, an unfortunate manner of speech, and many other similar points, will all combine to make the experiment of giving evidence a dangerous one, especially, too, when the fire of cross-examination has to be withstood. The astute prisoner will, I believe, prefer to trust in the old adage that "while speech is silvern, silence is golden," and to leave his case in the hands of his counsel or of the court and jury. Sir Herbert Stephen, in a recent article in the *Nineteenth Century*, mentions (in connection with his experience of Stead's Act) another probable consequence of allowing prisoners to give evidence, and it is this: "A spirit hostile to the accused manifests itself most unmistakably in counsel whenever in a serious case where the prisoner can give evidence, the apparent strength of the opposite parties is about equal, and where—as is by the existing law almost always the case—the character of one or more of the witnesses for the Crown is involved in establishing the prisoner's guilt. It appears to be an irresistible spirit, for I have repeatedly heard the most experienced, kindly, and fair-minded men strive for a conviction when the prisoner has given evidence as if they were fighting for a verdict at *Nisi Prius*." It may, however, be contended that there is not only a strong wave of public opinion in favour of the change, but that many of our leading judges are counted amongst its supporters. As to the public, I fail to have noticed any appeal or any great enthusiasm on the subject, but I go further, and say that the public cannot possibly be the best judges, or indeed judges at all, of the expediency of an innovation of this kind. With regard to our High Court judges, I am informed that there is a considerable division of opinion amongst them—and I believe that those on the judicial bench who have had the greatest experience in the administration of the criminal law may be taken to be opposed to the change. It may be urged on the other hand that Mr. Justice Stephen, in the work to which I have already referred, expresses an opinion that he could see no harm in prisoners being competent to give evidence; but with all respect to his memory and splendid legal acumen, I would on this subject prefer as my guide the practical experience which his son, Sir Herbert Stephen, has acquired as clerk of assize on the Northern Circuit. The conclusions to which he arrives as expressed in the article above referred to may be thus summarized: (1) That no prisoner tried by a jury should be a competent witness. (2) That the wife or husband of a prisoner should be a competent but not compellable witness, either for the Crown or the defence. (I am not dealing with this part of the subject in my paper to-day, but personally I am not yet convinced that even this is desirable.) (3) That every prisoner should be allowed and invited, if he is not aware of his right, to make any statement he pleases about the facts at the beginning of the case for the defence, and before his counsel's speech. The statement would not be on oath, and the prisoner should not be liable to be questioned or cross-examined. This seems a far better course than putting a prisoner upon his oath. Strongly, therefore, do I urge, that before the Legislature sanctions such an upheaval of the main principle which has hitherto underlaid our criminal procedure, and has formed such an integral part of an institution of which, I think, we are naturally so proud—I mean our trial by jury—a very much fuller and more exhaustive inquiry should be made into the working of the present practice and into the need and probable effect of the proposed change. It is those who are intimately acquainted with the working of our criminal laws, and with the everyday routine and practice of the various courts of assize and quarter and petty session, who are the most competent to express opinion and give advice on the subject. Let the evidence and opinion of recorders, chairmen of quarter sessions, clerks of assize, and clerks to justices be obtained; and I venture to predict that the verdict of the majority would be in favour of leaving matters as they are. It might even be recommended that the powers on the subject of evidence given by Stead's Act be repealed, and that once

more the great principle of leaving the whole burden of proof and evidence upon and to the prosecution may be restored in its integrity. In the words of Sir Herbert Stephen, I would ask my fellow-countrymen, and especially the members of the House of Commons, "not to assume as a matter of course that this great and most important change in our law ought to be made; not to assume that among those who alone are qualified by experience to judge of it there is unanimity in its favour; not hastily or without exhaustive inquiry and due consideration to depart from the wholesome traditions of the law; and to remember that there is a great and profound truth expressed in the tags and maxims that have passed into common proverbs—namely, (*a*) that it is better that ten guilty men should escape than that one innocent man should suffer; (*b*) that every man is presumed to be innocent until he is proved to be guilty; (*c*) that it is for those who affirm guilt to prove it; and that (*d*) in fairness and justice they should have to do so without in substance calling upon the accused to contribute by his own weakness to his own destruction." Sir Arthur Helps has said that "After all, the advancement of the world depends upon the use of small balances of advantage over disadvantage, for there is compensation everywhere and in everything. Each new good thought, or word, or deed brings its shadow with it; it is upon the small balance of gain that we get on at all." This is no doubt generally true; but with regard to the proposed change which we have been discussing, I fail to discover in it any balance of advantage, and for the reasons which I have stated I can see many heavy shadows which its adoption would inevitably bring. There are undoubtedly in the course of time many changes, many ruins, many monuments of social or judicial wisdom which as sensible and thoughtful men we ought not to regret, but rather rejoice that they

"As things wiped out with a sponge do perish."

Time still brandishes his sponge, and still there exist judicial curiosities which may in time be doomed to disappear. I would venture to hope that a change or effacement which can in any way impair or destroy the present admirable and satisfactory machinery of our criminal law administration may be postponed to that glorious age when the presentation of white gloves to the presiding judge will be the rule and not the exception, and when, as each maiden assize comes round, and there are no prisoners for trial, it will have become immaterial to consider whether they should or should not give evidence on their own behalf.

Mr. R. Ellett (Cirencester) said Mr. Fullagar was inviting them to take a step opposed to the records of the society, and the society had supported the Bill criticized by him. The step he invited them to take would be a retrograde step. Experience shewed that the danger feared was more imaginary than real. It was a most artificial arrangement to try and get at the truth by shutting the mouth of the one person who must know. A very long list of cases now came before the magistrates' courts where the defendants were competent witnesses.

Mr. W. J. M'Lellan (Rochester) observed that a cross-summons was an example which shewed that the system could not be so dangerous as some imagined.

Mr. Addison moved: "That, in all criminal proceedings, accused persons and their wives should be competent witnesses, but should not be compellable to give evidence." It was right that every accused person should meet his accuser upon equal grounds. There could be no right in saying: "I will put you in the dock, and I will shut your mouth. I will bring a criminal proceeding against you for libel, and you shall give no evidence. I will place you in another court and bring a similar proceeding against you for libel, and there you may give evidence." In each instance the innocent person would desire to give evidence. He could not imagine that elsewhere than in a court of law they would shut their eyes to evidence such as this. He could not imagine the case of an innocent person who would not desire to give evidence on his own behalf. He could hardly imagine the case of an innocent person whose evidence would do him real harm. He had no sympathy with the guilty person, and if he should convict himself, he would rather welcome it. The time had come when the machinery employed in administering justice and in asserting the truth was good enough to deal with the question whether or not the prisoner gives evidence.

Mr. J. R. Collins (Bodmin) seconded the motion.

Mr. Blyth gave an instance where a man was prosecuted for fraud in connection with a charter-party. He was unable to give evidence, and was found guilty and underwent a month's imprisonment. Afterwards the same question arose in civil procedure, when the man gave evidence, and his explanation was entirely satisfactory.

Mr. C. T. Saunders (Birmingham) supported the resolution. There would be still an essential difference from the French system, where the judge was a prosecutor.

Mr. A. M. Wilson (Sheffield) opposed the motion on the ground that the cross-examination would injure the prisoner, and if he refused to give evidence the jury would immediately say he was guilty.

Mr. J. M. Moore (South Shields) was doubtful whether it was desirable to make the wife a competent witness.

Mr. Green reminded the meeting that the prisoner would be examined, and so the entire truth got out of him. He would not perceive himself where he had not explained, and a few questions from his own counsel would make that complete.

Mr. Marchetti (vice-president) urged a forward policy, and that in all cases it should be competent to give evidence.

The motion was carried with three dissentients.

County Courts.

Mr. E. J. Trustram (London) read the following paper on this subject:

A little more than half a century ago county courts, under the name of sheriffs' courts or courts of request, existed, so far as regards any common law jurisdiction, as small debt collecting courts. Blackstone (Stephen's Comm. 1844) tells us "The county court is a court incident to the jurisdiction of the sheriff. It is not a court of record, but may hold pleas of debt or damages under the value of 40*s*." The jurisdiction thus originally limited has grown until at the present day, apart from a very large peculiar jurisdiction under numerous special statutes, these courts have an original jurisdiction in contract (except breach of promise) and in tort (except libel, slander, and seduction) up to £50, in ejectment up to £50 annual value, in equity up to £580, in probate up to £200 personalty and £300 realty, in admiralty up to £300, and in actions transferred from the High Court—in contract up to £100, and in interpleader up to £500, and an unlimited jurisdiction in counterclaim (if no written objection), in replevin, in actions of tort transferred from the High Court, and in Bankruptcy. Having regard to the original jurisdiction, practitioners for many years regarded the county courts with apathy, if not with actual antipathy. That feeling is past, and the development of these courts is now recognised as a matter of considerable importance to our profession. To trace the history of the county court through its various stages would be beyond the scope of this paper. Suffice it to say that while the jurisdiction of the county court has so materially increased, the practice remains for the most part that of a small debt collecting court, and the court fees, framed originally to meet a very limited jurisdiction, are under present circumstances greatly excessive. I ventured to deal at some length with this question of fees at the Liverpool meeting two years ago; and although in advocating any reform in this direction I am fully aware that the profession and the public have to contend against the august authority of the Treasury, yet I hope that the day may not be far distant when there may no longer be ground for the reproach that the court of the people is the only court which the authorities endeavour to make a paying concern. That it is the duty of the State to provide, without undue expense to suitors, courts where legal rights may be enforced and safeguarded is one of the first and fundamental principles of any system of jurisprudence, and until this is recognised I fear no satisfactory reduction of fees will be forthcoming. The Report of the Royal (Judicature) Commission made prior to 1875 recognised that the fees were oppressive and required considerable reduction and revision, and the commissioners stated (as is still the fact) that the first steps in an action in the superior court cost less than those in the county court. The commissioners recommended that such an anomaly as a plaintiff in the county court having, on entering his plaint for £20, to pay £1 1*s*. as a court fee, while his neighbour would only pay 5*s*. (now 10*s*.) for his writ for £2,000 in the superior court, should cease, and that the fees in the inferior court should be lower than those in the superior. At a special general meeting of the society, held on January 31, 1895, I ventured to call attention to some matters affecting county courts, and in the result the following resolution was passed:—"That, having regard to the increasing jurisdiction, it is expedient to nominate a committee of members conversant with the practice of these courts, with a view of from time to time submitting recommendations to the council." And in the following April another resolution was added:—"That this meeting is of opinion that the fees charged in the county courts are excessive and should be reduced, and that no fees should be higher than those in force in the Mayor's Court (London) for similar work." The committee of the society who are dealing with the preceding resolutions consists of five members of the council (including Mr. Munton, who has acted as chairman throughout, and for many years prior to his election on the council took an active interest in this subject) and eleven ordinary members. The results of the labours of the committee have not yet been published, but the numerous and important points which they have had under consideration are succinctly referred to in the society's annual report for 1897. Although I have the honour of being an ordinary member of the committee, I need scarcely say that the present paper is confined to my own individual opinions, and that in no way do I presume to speak for the committee. I cannot help referring, in view of what I shall say presently, to the harsh and extreme measures in favour of creditors against debtors of all ancient systems of laws. It was an anomaly that any one should owe money and not pay. Delay in payment was extraordinary, and the debtor placed himself outside the pale of rectitude and custom, while the creditor was provided with means which to our minds would seem little short of barbaric, to enable him to enforce his rights. Now the boot is on the other leg. Present-day legislation and recent rules favour debtors. I purpose dealing with those proposals affecting questions of jurisdiction and practice which are before the public, and first with that of jurisdiction. Prior to 1888 the profession were to a considerable extent exercised with regard to a Bill then before Parliament with the object of consolidating and amending the existing county court Acts. At the provincial meeting of the society, held at Newcastle in 1888, resolutions were moved by Mr. Munton and passed that it was desirable that the county court should be annexed to the High Court; that the salaries of judges in populous districts should be increased; that to lighten the routine work the summary process under High Court Order 14 should be extended to county court default summonses over £10, thus relieving the judge of the trial of petty cases. The 1888 Bill was prepared by the superintendents of county courts, and was in the first instance simply a consolidating Bill, while the amendment Bill was concurrently put forward. Finally the Consolidation Bill was introduced by itself with some amendments, and referred to a Grand Committee of the House of Commons. A compromise was subsequently arrived at by which certain amendments were allowed in addition to the consolidation clauses, the principle of which was to give the High Court power to refer actions of contract up to £100 to the county court; other limits had been suggested during the previous ten years, the largest being a limit of £200. As amended the Bill became the County Court Act of 1888. The effect was to make the small debt collecting county court the overflow of what would otherwise have been the principal business of the Common Law side of the High Court, while the county court retained, side by side with this increased jurisdiction, its original character of a small debt recovery court. The procedure which was

applicable to the collection of small debts was applied to the trial of actions involving very often important questions of law, and large, if not considerable, sums of money. The objection to this system is that the practice and procedure framed for small claims under forty shillings necessitate considerable delay, trouble, and annoyance to suitors whose disputes involve large amounts. It should therefore be decided once and for all whether the small claims for which the courts were first established are to be the primary consideration, and more important matters made subservient to a practice formed to meet petty cases, or whether in respect of the more important cases a new procedure should be created. Practically a decade has passed since the Act of 1888, and it is clear that, in spite of all the difficulties which litigants and practitioners have had to contend against, caused by the harassing nature of small debt county court procedure, the county courts have come to stay, and, moreover, the public demand that their jurisdiction shall be largely extended. It therefore becomes absolutely necessary that some one other than the judge (whose attention is required for more important matters) shall be deputed to deal with small debt process. One of the principal features of the present work of county court judges is to make orders for payment of small debts by instalments averaging about five shillings a month. We are now, in 1897, as we were in 1888, considering a new county court Bill, the present one having been prepared to further extend the jurisdiction of the county courts and to amend the Acts relating or giving jurisdiction to them. This Bill originates with the Chamber of Commerce. It proposes to extend the jurisdiction in personal actions, equity and admiralty to £1,000. Certain actions may be transferred to the High Court by order of the High Court, but only upon the application of the defendant, and upon his paying into court such sum as security for costs as may be directed; there is no means of transfer without security being given, except by writ of certiorari. Section 6 is perhaps the most important and far-reaching clause of the Bill. It provides that certain county courts held at centres respectively mentioned in the first column of the first schedule to the Bill, together with the county courts respectively mentioned in the second column of the schedule, should become special circuits, and for each of such special circuits there should be assigned a judge, a registrar, and assistant registrar. An instance of one of the centres is No. 13, Sheffield, which is to be the chief court of a special circuit containing Glossop and Rotherham. The chief registrar of a special circuit may hold courts and deal with matters not exceeding £20, or, where the title to any corporeal or incorporeal hereditaments is not involved; assistant registrars are given jurisdiction up to £5, and by consent the chief registrar or assistant registrar may hear and determine any disputed claim within the jurisdiction of the court. The Bill appears to some extent to meet the present difficulties, and to hand over to registrars and chief registrars some of the petty business, but it gives them no power to deal with small judgment summons business before referred to as occupying so much of the judges' time, and it does not create any practice similar to Order 14 in the High Court. All cases would still have to be tried at great expense. Subject to summary judgment not being obtained, any defendant should be of right entitled to remove actions into the High Court where the amount sued for exceeds £100. Under no circumstances should any leave to appeal be necessary where more than £50 or £100 is involved, nor should the request to a county court judge to take a note be a condition precedent to an appeal. If the jurisdiction of the registrars is extended there should always be an appeal without leave to the judge, and any chief registrar or registrar should have power to refer a case to the judge, even after part hearing. The extension of the jurisdiction of registrars who are in actual practice as solicitors seems undesirable. In considering this question of jurisdiction it must not be forgotten that many cases involving only so small a coin as 1d. contain matters of much difficulty, and that the sum in dispute is not the only measure of the importance of an action. I now come to the consideration of the rules of 1897. The rules of March provided that a plaintiff suing a defendant more than twenty miles out of the district should in every case give security for the costs of the defence. The idea was unworkable, and the rules were annulled and new rules substituted, which have not at present been publicly published. Objections were taken to the first of the rules of March, 1897, dealing with the granting of leave, under Section 74 of the Act of 1888, to issue a summons against a defendant out of the district on the ground that the rule would impose an unnecessary burden on plaintiffs, and as the rules were annulled the objection was apparently well grounded. It is a matter of regret that no notice of the rules of March being in draft in conformity with the Rules Publication Act, 1893, was published. The object of such notification was to afford the opportunity of criticism by the profession and the public of new rules before being actually issued. Those responsible for the March rules appear to have overlooked the provisions of this Act. However this may be, a notification was subsequently given that the operation of the rules had been postponed from March 25 to May 25, a period exceeding forty days, which was an attempt to comply with the provisions for publication of rules in draft. The proposed alterations in Order V. were, so far as can be gathered, suggested by the decision of the Divisional Court in *Regina* v. *Judge Turner and Hodgson*, to the effect that a judge or registrar should exercise a discretion in granting or refusing leave to a plaintiff to issue process in the plaintiff's district against a defendant residing out of the district, as it was considered that a discretion could not properly be exercised on the affidavit in its existing form. Complaints have also been made of the abuse of the practice of issuing actions by assignees of debts in the plaintiff's court against defendants scattered broadcast over the country. Possibly in this instance some abuse exists, but the provisions of the new rules impose unnecessary and harassing restrictions and will cause much useless expense. The rule laid down in the *Northey Stone Co.* v. *Gidney*, that a plaintiff was entitled to sue in his own district if the debt was impliedly payable there, has worked well in practice, but was apparently considered unsatisfactory by the rule committee, but it is thought that the existing Order 12, Rule, 9, amply safeguards the interest of defendants who have a defence on merits and are summoned from a distance. Any new provisions are unnecessary, and plaintiffs will be seriously inconvenienced by them. That the rule is so little used shows that no great hardship exists. The practice arising upon the decision in *Northey Stone Co.* v. *Gidney* has met with the approval of the profession and business men. Surely a debtor should come to his creditor to pay? The principle has long been recognised; why alter it by a new county court rule? It would be impracticable for a large firm to go to different parts of the country to recover debts, not one per cent. of which is *bond fide* disputed. I am informed that in the Birmingham County Court in 1895 there were 54,724 actions, in only 263 of which the defendants obtained verdicts. The travelling expenses alone of the plaintiffs will be a serious item, and their staffs will have to be considerably increased. These expenses will ultimately fall on the defendants whom it is desired to benefit. The remaining annulled rules dealt with the appointment of guardians and matters of practice affecting the appointment of receivers; these followed high court practice to some extent, and there were some special provisions as regards admiralty practice. The rule that no hearing fee was to be paid when a case or judgment summons was adjourned was a step in the right direction. The new rules will doubtless when reissued include the above measures. There were also some small concessions in regard to costs; but the suggested provisions did not go nearly far enough, and it is hoped the council will see that the question of the present inadequate scale of costs is dealt with as a whole at an early date. The profession unfortunately suffer in regard to costs by reason of the court having been originally a small debts court. It would by desirable that the bar and our own profession, who have more opportunity of seeing the working of the rules than the judges, should be represented upon the county court rule committee. The formal approval of county court rules by the high court rule committee, upon which the bar and our own profession are represented, is not sufficient. Besides a reduction in fees and extension of jurisdiction there are many matters in which county court procedure could be improved. Service of process by the officers of courts continues most unsatisfactory. Solicitors should be allowed to serve any process they may issue on the same terms as bailiffs. Service by registered post would be unobjectionable as well as cheap; many recent Acts of Parliament provide for service of far more important documents than county court process by this means. As regards hearings, the judges should make practical arrangements to prevent suitors and their advocates being detained for a whole day or even more away from their business. Special days might be fixed for defended cases over £20 where counsel or solicitors are engaged, and special lists for the afternoon. The practice relating to accounts and inquiries (if not the whole practice of the county courts) might with advantage be assimilated to that of a high court originating summons, and the registrar should have power to direct accounts and inquiries prior to the hearing before the judge. At present a plaintiff has in many cases, at great expense, to be prepared for trial before the judge when he knows the judge must refer the action to the registrar. Steps should be taken to prevent agents other than solicitors appearing for suitors under the guise of witnesses or otherwise; the remedy is to some extent in the hands of the profession. Default summons procedure is still unsatisfactory, there is great delay, the preliminary affidavit as it now stands is a trouble and annoyance, and it will be far worse if altered as proposed by the new rules. The requirement that a process-server must be in the exclusive employ of the plaintiff or his solicitor is a deterrent, and the practice of some of the metropolitan county courts requiring an affidavit of service of a default summons when notice of defence is given, or even where the defendant consents to judgment, is very vexatious. The default practice should be assimilated as far as possible to Order 14, the default summons and the preliminary affidavit considered equivalent to the high court summons for judgment and affidavit in support. The defendant on being served with the default summons and affidavit would have to file an affidavit in answer, and the registrar would then decide whether any defence sufficient to justify a trial had been disclosed or whether the plaintiff should have summary judgment. Order 7, Rule 33a, providing that judgment shall not be entered on a default summons after two months from service, prevents any arrangement between the parties without payment of the judgment fees, and thus unnecessarily increases the court fees and the costs payable by the defendant, and necessitates the registration of the judgment, if it exceeds £10. This should be amended. The registration of all county court judgments should be delayed for at least fourteen days, and a judgment should carry interest. In the metropolitan district some central office for issuing, dealing with, and hearing remitted cases (at any rate) and possibly other matters should be provided. The execution of warrants by the bailiffs is also the subject of frequent complaints. Judgment summons procedure is still most unsatisfactory, and this matter could with advantage receive the attention of the judges; the procedure and fees should be assimilated to the reasonable sums paid in the Mayor's Court, London. As far as possible the practice in the various courts should be made uniform. The judges should have power in proper cases to issue commissions to take evidence abroad. With the view of saving costs something should be done to make Order 18, Rule 10, which provides for evidence being taken by affidavit in certain cases, of some avail: at present it is practically useless. Full facilities for appeal should be given where a debt exceeds £5 on an appellant giving security. The rule of April, 1895, which prevents a plaintiff charging against the defendant the court fees of an abortive execution is to be regretted. The scales of costs generally are by no means adequate; for instance, £1 11s. 6d. for instructions for brief in actions between £20 and £50 is in nine cases out of ten ridiculously inadequate. Some judges give no costs at a trial to a plaintiff where a defendant does not appear after giving notice of defence on a default summons; I do not understand how this is justified. The practice of briefing counsel is encouraged by the unremunerative scale allowed to a solicitor who conducts a case. If he were allowed exactly the same fees as

counsel he would save the client the attendances on counsel, the double attendance at the trial, the conference, and probably a considerable amount of copying; but such copies as it is necessary for him to make for his own use should be allowed. I have mentioned matters (I do not claim all these ideas as original) which call for consideration and reform; and if my paper has the effect of drawing the attention of the profession to the importance of safeguarding our own and the public interests in the coming developments of county court jurisdiction and practice, I shall have attained my desire.

At the conclusion he moved, "That while there are many other matters connected with county courts which call for attention and reform, this meeting concurs in the resolution passed by the Annual Provincial Meeting of the Incorporated Law Society at Newcastle in 1888 recommending that the county court should be annexed to the High Court, that the salaries of judges in populous districts should be increased, and that to lighten the routine of the work the summary process under High Court order 14 should be extended to county court default summonses over £10."

Mr. A. H. Colby (Birmingham) seconded the motion. The County Court Rules of May last met with the strongest opposition from all county court practitioners. The rule which laid down that the solicitor should give his undertaking for costs, instead of the plaintiff having to deposit a sum for the same purpose was preposterous. The solicitor would never know what his liability was. The President had written a very courteous letter to a correspondent of the Solicitors' Journal upon the subject. He trusted that the rules would not be passed, and it would be a good thing if a Royal Commission dealt with the subject.

Mr. J. Miller (Bristol) complained that the recent rules were issued practically without notice. Solicitors knew nothing about them until they saw in the Solicitors' Journal and other legal papers that they were about to be promulgated. He tried through the society to get copies, but Mr. Williamson informed him that it was impossible for the society to get them.

Mr. Wilson objected to county court judges being appointed without any experience of the districts where they were to sit. They were also appointed at too great an age. In Sheffield the working classes spoke a language which to a Londoner would be almost as difficult of understanding as Welsh. The powers of the registrar should be increased so that he should try cases up to £50.

The President: I should like to say how the matter stands with reference to the Rule Committee. Our position is not altogether easy or ascertained. It is not very long since the President of the Incorporated Law Society became a member of the Rule Committee—not long as such things go. And at first there was a difficulty in the President saying anything as to what passed at the Committee or obtaining any help outside on points on which he himself might naturally not be quite at home. Owing to the kind offices of Mr. Addison that difficulty has been broken down, but only recently, and I think it is now understood that it is no breach of confidence for the President for the time being to obtain such help. It was too obvious, the moment it was pointed out, that it is absolutely necessary he should do so. One of my duties when I came into office in July was to take up that thorny business from Mr. Addison, and attend a meeting of the Rule Committee. We do not go there and act as delegates or we should lose all our power. We go there to see, and we think. And if one of the members of that Committee ask you what you think, you have to say what you think, not what somebody else thinks. But having to deal with this subject was an awkward position. There was at a moment some possibility of the May rules being passed, and even if I had thought proper to refuse to put my signature at the bottom with the others it would have made no difference. But upon being looked at, the conclusion was arrived at that a little delay would be useful. The drafts of these rules cannot be circulated, because they are not in existence. They have been relegated back for a little further consideration, and I must say the members of the Rule Committee—I must not mention names—are extremely kind in the way they meet us. They are ready to hear anything, and we have to be very careful that what we say is to the point and worth hearing. I have no hesitation whatever in proclaiming my ignorance. I passed some of my Long Vacation in studying that book which Mr. Wilson has at his fingers ends. I was surprised at it. I could find anything I wanted to find, a little more than I could master. I had not the pleasure of Mr. Wilson's acquaintance then, or he would have heard from me on the draft rules, and I should have invited any suggestion. I did it with some of my young friends in London practising in the county courts and with some of the registrars, and had very valuable suggestions. And even now I should be very glad if Mr. Wilson would favour me privately with any suggestions he has upon the subject. I do not think I can tell you the direction my mind is going on the subject, but the objections made to the March rules had very full effect. They were quite appreciated by the authorities. That is how the position stands, and perhaps Mr. Miller will see now what our province is in the matter.

Mr. Addison, speaking of the March rules, said that the rules were framed by five county court judges, and they then came very much as a matter of form, as it appeared, before the Rule Committee of the High Court to sign. He personally found that there was a strong impression among the members of the Committee that the poor debtor should be sued in the place where he lives, and some members of the Rule Committee alluded to very grave cases of hardship. Personally, his London experience did not lead him to that knowledge which he afterwards acquired as to the very great importance of this subject to Birmingham, Liverpool, Sheffield, and other districts. Had he known it, he certainly should not have signed these rules. But as soon as one discovered that, it enabled him to see what he had on more than one occasion pressed upon the judges, that the President of the Society is little or no use on that Rule Committee unless he is allowed previously to consult with those who can give him the information with reference to the rules brought before him. The fact of what happened in regard to the March rules enabled one to bring very pointedly before them the value which the President might bring to that Committee if he was allowed to consult with others, and so he could give information before the rules were issued. And he thought it had had that very happy result. The moment he found what the mischief alleged was, he did all he could by collecting statistics from all the large centres, such as Birmingham, to lay them before the Rule Committee, and what had occurred he thought was not likely to occur again.

Mr. C. Mylne Barker (London) was of opinion that there were numbers of solicitors practising in the country who would make excellent county court judges, and the time had come when the restrictions upon the appointment should be removed.

Mr. Saunders was altogether of opinion that solicitors should be eligible for county court judgeships.

Mr. Bradley (Liverpool) and Mr. Winch (Sheerness) having spoken, the motion was agreed to.

Libel and Slander.

Mr. Grantham Dodd (London) read the following paper upon this subject:

It is scarcely necessary for me to say that it is impossible, within the limited time usually allowed to a reader of papers at these meetings, to fully discuss this subject. I can, in fact, hardly now do more than touch upon the fringe of it, but I propose to make two or three suggestions for the amendment of the law respecting it. Libel (*libellus famosus*) is described as contumely or reproach published to the defamation of the Government, of a ministry, or of a private person (1). It is also defined to be a malicious defamation, expressed either in printing or in writing, or by signs, pictures, &c., tending to either blacken the memory of one who is dead, or the reputation of one who is alive, and thereby exposing him to hatred, contempt, or ridicule (2). A modern writer shortly describes slanders as spoken defamation, and libel as written or printed defamation. False defamatory words, if written and published, constitute a libel, if spoken, a slander (3). Libel has also been described as a slander in writing or in print or by pictorial or other representation (4). Abuse by word of mouth, however gross, is not actionable without allegation and proof of special damage (with the exception of women under the Act, to which I shall shortly refer), unless spoken of a person in reference to his profession or business, or (4) unless it imputes an indictable offence (5). If the charge be true, if pleaded, the plaintiff cannot recover damages (6). The distinction between libels and words spoken is clearly laid down in the case of *Villiers* v. *Mousley* (7). Whatever renders a man ridiculous or lowers him in the esteem of the world amounts to a libel, although the same expressions, if spoken, would not have been a defamation, so that to describe a person in writing as "an itchy old toad" was held to be a libel, although such words, if spoken, would not have been actionable (8). In the year 1793 a young lady of quality recovered a verdict for £4,000 damages for a reflection upon her chastity published in a newspaper, although at that time she could not have recovered damages in an action for the grossest verbal aspersions that could have been uttered against her honour. Fortunately this is no longer so, for at a comparatively recent date it was enacted that words spoken and published which impute unchastity or adultery to any woman are not to require special damage to render them actionable, but the plaintiff is not allowed to recover more costs than damages unless the judge certifies that there is a reasonable ground for action (9). However, on the other hand, it appears unreasonable that a husband should be liable, as he is (10), for libels published or slanders uttered by his wife during coverture, for the husband continues to be so liable if living apart from his wife unless separated under a decree of judicial separation or the wife should have obtained a protection order (11), there being nothing in any of the Married Women's Property Acts removing or affecting such liability (12). Although is not necessary to join the husband as defendant, it appears to be advisable to do so. A wife may sue her husband for libel upon her in her separate trade or business (13). But a wife is unable to take criminal proceedings against her husband for libel. A married women having been falsely charged with want of chastity, in consequence of which she had lost and been deprived of the hospitality of her friends, &c., joined with her husband in bringing an action, when it was held on demurrer that the loss of hospitality of her friends was the reasonable and natural consequence of the slander, and therefore such a loss of hospitality was special damage which would support an action by the husband and wife (14). A man having advertised that his wife had eloped and cautioned all persons against trusting her, the court refused to grant an information for libel (15). A libel if made against a private person, it was argued, might incite that person to revenge and to break the peace, but one would have thought that a slander to the same effect might have a similar result. If a man speaks slanderous words he is not guilty of libel (16). A defamatory writing expressing only one or two letters of a man's name, if it be written in such a manner that from what goes before or follows it must be understood to point to a

(1) Com. Dig.—title Libel (a).
(2) Odgers on Libel.
(3) Wharton, Starkie on Libel, Sol. 1254.
(4) Wharton, Starkie on Libel, Sol. 1254.
(5) Wharton, Starkie on Libel, Sol. 1254.
(6) Rose 509.
(7) *Watkin* v. *Hall*, 3 Q. B. 400.
(8) 2 Wils. 403.
(9) 2 Wils. 403.
(10) 55 & 50 Vict. c. 51.
(11) *Weinsford* v. *Hayl*, L. R. 20 Eq. 325.
(12) *Head* v. *Briscoe*, 5 C. P. 484.
(13) *Hancocks & Co.* v. *Demeric Latimer*, 3 C. P. D. 197.
(14) *Summers* v. *City Bank*, L. R. 9 C. P. P. 580.
(15) *Davis* v. *Solomon*, 7 Q. B. 112.
(16) *King* v. *Rose*, 5 Geo. II. B. R. Andr.

particular person, is as much a libel as if the whole name were expressed (1). In actions for libel by signs or pictures it is expedient to show in the pleadings by proper averments (called innuendos) the defendant's meaning, the import and application of the scandal, and that special damage has followed (2). A private liable for a private matter—as a letter scandalising a man when courting a woman—has been held to be indictable and punishable by fine (3). Charges of a flagrant nature, and which reflect a moral turpitude on the party libelled, are libellous, also such as set him in a scurrilous, ignominious light, for these are said to create ill-blood and provoke the parties to acts of revenge and breaches of the peace (4). In the time of George I. the Mayor of Northampton sent Lord Halifax, as an insult, a licence for keeping a public-house, and it was held to be a libel (5). On the trial of Reverend John Udall in the time of Elizabeth (A D. 1590), who was charged with being the author of a seditious libel entitled "A Demonstration of Discipline," the passage relied upon as the ground of indictment reflected strongly on the Bishops. He refused to criminate himself before the High Commission. Although strict evidence of the authorship had not been given, he was found guilty, and the judge directed the jury that the only matter of fact for their consideration was whether the defendant was the author of the libel; the question as to whether the writing was a libel or not was a question for the court (6). In the same reign it was held that the words, "I have felony to lay to his charge," might be actionable, but the words "for he would have robbed me" would not be so, for although the defendant might have so intended, possibly he repented of it and did no evil act. A man, for libelling Bacon, L.C., by affirming that he had done an injustice, and using other slanderous words, was sentenced to pay a fine of £1,000, to ride on a horse with his face to the tail from the Fleet Prison to Westminster, with his fault written on his head, also to acknowledge in all the courts at Westminster his fault, and to stand in the pillory; one of his ears was to be cut off at Westminster and the other in Cheapside; also to suffer imprisonment for life (7). The punishment of the pillory for libel was taken away by 56 Geo. 3, c. 138. A clergyman of the name of Prick, in the time of James I., in a sermon recited a story out of Fox's Martyrology that "one Greenwood, being a perjured person and persecutor, had great plagues inflicted upon him and was killed by the hand of God," whereas in truth he was never so afflicted, and was himself present and heard the sermon. He brought an action against Prick for calling him a "perjured person," but Wray, L.C.J., directed the jury that it being delivered as a story and not with malice, the defendant was not guilty (8). In the time of Charles I, a man having exhibited a libel against the Lord Chief Justice in a petition directed to the king, calling the Lord Chief Justice "traitor," "perjured judge," &c., had to stand in the pillory, was fined 1,000 marks, and bound to good behaviour for life (9). In the same reign Edward Peacham was indicted for treason for passages in a sermon never preached or intended to be so, but only discovered in writing in his study; he was found guilty, but not executed (10). To charge a king with personal vice, as being a drunkard, &c., is no treason (11). A defendant charged with writing a libel against the Protestant religion and the bishops (innuendo the bishops of England), was found guilty, but in arrest of judgment it was suggested that the bishops libelled were not English bishops, nor could the innuendo support such construction, but the court over-ruled the exception. The seven bishops in the reign of James II. were proceeded against for a seditious libel against the king on account of their having stated that the king's declaration was founded on a dispensing power which had been declared illegal in Parliament, &c. They were committed to the Tower, but on being tried at bar were acquitted (12). The judges came to a resolution in the year 1737, that the truth could not be shewn in mitigation of damages in an action or in reduction of the fine on indictment (13). Lord Holt laid down that the defendant might justify in an action, but not on an indictment (14). Sending an abusive private letter to a man has been held to be as much a libel as if it were openly printed, as it tends to a breach of the peace (15). The delivery of a sealed letter at the post-office containing a libel has been held to be a publication there (16). The daughter of an officer in the Navy having persistently applied to the Royal Naval Benevolent Society for assistance, was referred to in an article in the *Nautical Standard Gazette* as a "frozen snake," for which libel she recovered damages, and the court refused a motion to stay judgment or to interfere with the verdict, and held that innuendo was unnecessary in such a case (17). A man having been called a thief, with many other names of abuse not imputing crime, obtained a verdict, and the Court of Common Pleas refused to set aside the verdict, the word thief alone being actionable (18). It has also been decided that the words "You are a rogue, and I will prove you a rogue, for you forged my name," are actionable (19). So also are the following words, "He was put in the roundhouse for stealing ducks at Crowland," if spoken falsely and maliciously (20). To print of a person that he is a swindler is a lible and actionable (21). But saying of another, "You are a swindler," was held not to be so (22). To say of innkeeper that he harbours rogues, &c., it has been decided is not actionable, for his inn is common to all guests (23). It is necessary to constitute a libel not only that the words should be susceptible of a libellous meaning, but that in the mind of a reasonable man they would constitute an imputation upon the person complaining (1). In an action for libel where the judge rules that the occasion is privileged, nothing short of evidence of malice will displace the privilege (2). A servant cannot maintain an action against his former master for words spoken, or a letter written, by him in giving a character, unless malice can be proved as well as the falsehood of the charge, even though the master should make charges of fraud (3). It is no libel to assign on the books of a quakers' meeting the reasons for expelling a member (4). Publishing or threatening to publish a libel, or proposing to abstain from publishing anything, with intent to extort money, is, under 6 & 7 Vict. c. 96, punishable by imprisonment and hard labour; and false defamatory libel is punishable by fine and imprisonment, and malicious defamatary libel by imprisonment or fine. Let us now shortly consider what may be said, and what written, of us as solicitors with impunity, or what would be actionable, which particulars, however, we had better, perhaps, keep strictly to ourselves, for fear of some of the public availing themselves of them to our disadvantage or annoyance; but I certainly should advise such to think twice before so doing. Some of these cases are certainly amusing. To call an attorney, "a daffordowndilly," meaning that he had taken a fee from both sides, was in the time of Charles I. decided to be actionable. In the report of a case in a newspaper, where it was headed "Shameful conduct of an Attorney," the words were held to be a libel' because they formed no part of the proceedings in a court of law (5). It was decided that it was not actionable to say of an attorney, "He has defrauded his creditors, and has been horsewhipped off the course of Doncaster," for it is no part of the professional duty of a solicitor to attend a racecourse, and his creditors are not his clients (6). This may be a warning to some of us, and especially our younger members, to avoid such places for fear of the consequences. To abuse a solicitor and call him a cheat, a rogue, or a knave, it has been held was not actionable; but to say "You cheat your clients," would be so (7). The words spoken of an attorney, "I shall have him struck off the Rolls," Lord Kenyon ruled were not actionable; but had he said, "He deserves to be struck off the Rolls," these words would have been so (8). The court decided that the words "He is more a lawyer than the devil" were actionable when speaking of an attorney (9). To impute to a solicitor that in certain professional transactions Messrs. Quick, Gammon, & Snap were fairly equalled, if not out-done, was held to be a libel (10). One wrote confidentially to persons who had employed a certain solicitor conveying charges injurious to his professional character in the management of certain matters which they intrusted to him, and in which the writer was also interested. The letter was held not to be libellous (11). It is actionable without proof of special damage to say of an attorney: "He has no more law than Master Chenry's bull"; or, "He has no more law than a goose" (12); or, "He cannot read a declaration" (13); or, "He is an ambidexter" (14). To say of a barrister, "He hath as much law as a jackanapes" is actionable (15), but to say, "He has no more wit than a jackanapes" is not so. And a man having used the following words: "Thou art a false knave, a cozening knave, and hast gotten all that thou hast by cozenage, and thou hast cozened all those that have dealt with thee" (16), they were held to be actionable, as being slanderous of an attorney, and touching him in his profession. With regard to the very important subject of newspaper libels it is impossible now to deal. In conclusion I would make the following suggestions for alteration of the law: 1. That the husband should no longer be responsible for the libel and slander of his wife during coverture. 2. That the law with regard to costs of actions by both men and women should be assimilated. 3. That a person who has been slandered should be enabled to take criminal proceedings by indictment or information as if he had been libelled. Lastly, the plaintiff should be at liberty to proceed in the county court, as such court at present has no jurisdiction to try such actions.

(1) 1 Hawk P. C. c. 73. (2) 3 Com. c. 8, p. 126.
(3) Sid. 270. (4) Bacon's abt. Libel, 195.
(5) 1 Stra. 422. (6) Fuller 111, ix.
(7) Poph. 126. (8) Cro. Jac. 91.
(9) Cro. Car. 125. (10) Cro. Car. 125.
(11) *The King* v. *Baxter*, 12 Mod. 139, Lord Raym. 679.
(12) State Trials. (13) *Smith* v. *Richardson*, Willis Rep. 20.
(14) 3 Salk. 225. (15) 2 Browal. 151, 12 Rep. 35.
(16) *The King* v. *Burdett*, 3 Barn. and A. 717.
(17) *Hoare* v. *Silverlock*, 12 Q. B. 624. (18) *Penfold* v. *Westcott*, 2 N. R. 335.
(19) *Jones* v. *Herne*, D. & R. 267. (20) *Bawor* v. *Hides*, 2 Wils. 300.
(21) *l'Anson* v. *Stuart*, 1 T. R. 748. (22) *Sault* v. *Jardine*, 2 H. Black 531.
(23) 2 Roll. Rep. 136.

Votes of Thanks.

Votes of thanks were passed to the Lord and Lady Mayoress for their hospitable reception of the society; to the Sheffield District Law Society; to the Reception Committee; to the Sheffield Athenæum and Reform Clubs, and to the readers of papers.

Dinner.

In the evening a dinner was held at the Cutlers' Hall, Mr. Colin M. Smith (vice-president of the Sheffield Law Society) taking the chair, with the Duke of Norfolk (Lord Mayor) on his right and the President of the Incorporated Law Society on his left. Among others present were Mr. C. B. Stuart Wortley, Q.C., M.P., His Honour Judge Waddy (Recorder of Sheffield), Mr. C. Gould, Q.C., Mr. C. B. Margetts (vice-president of the Incorporated Law Society), Mr. J. Addison, and Mr. J. Hunter. Among the toasts were, "The Incorporated Law Society," proposed by Mr. C. B. Stuart Wortley, Q.C., M.P., the President responding, and claiming that the society had been active in legal reform; Mr. Addison proposed "The Bench and the Bar," His Honour Judge Waddy, Q.C., returning

(1) *Nevill* v. *Fine Arts and Gen. Ins. Coy.*, 66 L. J. Q. B. 195, and 75 L. T. 606, House of Lords.
(2) *Ib.* Quarterly Digest 1, 30.
(3) 1 Term. Rep. K. B. 110, 3 Bos. and Pul. C. P. 587.
(4) 1 Black Rep. 386. (5) Barn. and A. 702.
(6) *Dayley* v. *Roberts*, 3 Bing. N. C. 835.
(7) *Alleston* v. *Moor*, Hut. 167; *Bishop* v. *Latimer*, 4 L. T. 775.
(8) *Phillips* v. *Jansen*, 2 Esp. 624. (9) *Day* v. *Buller*, 3 Wilson 59.
(10) *Woodgate* v. *Ridout*, 4 F. & F. 202, Cockburn, L.C.J.
(11) *McDougall* v. *Claridge*, 1 Camp. 267.
(12) *Baker* v. *Morfree*, Sid. 337. (13) *Powell* v. *Jones*, 1 Lev. 297.
(14) *Anslow* v. *Blofield*, Carter 214, 1 Roll. abr. 55.
(15) *Palmer* v. *Bower*, Owen 17. (16) Cro. Jac. 536.

thanks; the VICE-PRESIDENT gave "The City of Sheffield," the DUKE OF NORFOLK replying; Mr. J. HUNTER proposed "The Sheffield District Incorporated Law Society," Mr. WM. SMITH responded; and the final toast was the health of Mr. COLIN SMITH, proposed by the PRESIDENT.

Members were admitted to the privileges of temporary membership of the Sheffield Athenæum and Reform Clubs, and the works of a number of firms were thrown open to their inspection. On Friday there were three alternative excursions, the first to Castleton, the second to Baslow and Edensor, including Chatsworth House, and the third to Bradfield and Strines and the Sheffield Corporation Reservoirs.

The following is the paper on

LAND TRANSFER

by Mr. J. S. RUBENSTEIN, read on Wednesday:

At the provincial meeting of this society, held at Brighton in 1881, I read a paper on the Conveyancing Act passed in the last days of the session in that year. That Act effected a complete revolution in the then system of conveyancing, more particularly by abolishing many of the existing provisions that tended to make deeds long and unintelligible, except to the initiated. The Solicitors' Remuneration Act was passed at the same time, and under its provisions payment to solicitors was no longer to be dependent on the actual work that had to be done in deducing or investigating a title, or on the length of the deeds that were prepared. The amount to be paid was made to depend solely on the amount of the money paid for or lent on mortgage of property, professional remuneration being thus placed on a rational and well-understood basis. Although the Conveyancing Act was in its main enactments permissive, the predictions I ventured at the time to make, that the profession would gladly adopt the Act, were speedily verified. During the last fifteen years the conveyancing work of the country has been conducted practically without friction, and on a graduating scale of costs which clients have recognized as moderate and reasonable. At the present time the formal parts of an ordinary deed of conveyance, apart from the description of the property dealt with—which must of necessity vary in length—can be well contained within a sheet of note-paper, and the wording is such that the meaning is plain to any person possessed of ordinary intelligence. In view of these facts the question arises, How does it happen that, within a few years after the passing of a comprehensive and satisfactory Act, it should be alleged that a demand exists for the abolition of the present practice and for the creation of an entirely new system in its place—an alleged demand which has culminated in the passing of the Land Transfer Act of this year? Briefly summarized, the principal causes that have brought this about are, I believe: (1) Want of knowledge; (2) political considerations; (3) the existence of the present registry office, created by the Land Registry Act of 1862. A few words on each of these points will not be out of place. It may be safely asserted that the public know nothing of the Act of 1881. With them the tradition still exists that solicitors, for their own selfish purposes, still draw deeds of inordinate length, which are only equalled by the length of their bills of costs. The hardship is insisted on of making a person of limited means, who buys a small house, pay a heavy penalty in the shape of a long bill of costs. How many persons are there who make this complaint know or care to know that the purchaser's solicitor's remuneration, if the price of the house is under £100, is £3; and that if the price ranges from £100 to £300, the remuneration is £5; and that from £300 up to £1,000, the remuneration is at the rate of 30s. per cent., so that even if the purchase-money is £1,000 the remuneration is only £15. Above £1,000 as the price increases the percentage decreases. The same scale applies to mortgages. Even a working-man does not wish to purchase a house every day in the week. The fee of 30s. per cent., payable for, say, two or three houses that he may purchase in his lifetime, cannot be considered a very weighty tax. Far heavier commissions are daily claimed and allowed to auctioneers for services much less onerous and responsible than those rendered by solicitors. As an instance of the strange ignorance that exists as to the limited charges allowed to solicitors, I venture to quote the following extract from the report of a speech made at the ninth annual meeting, held in May, 1895, of an important society, called the Free Land League, but since re-named the Land Law Reform Association, which society numbers amongst its officers a very large number of members of Parliament, and other persons of influence and position. According to the printed report, which was widely circulated throughout the country, one of the speakers expressed himself as follows: "But it sometimes struck him that even in the attempts they were making to remedy by legislation some of the acknowledged evils, they had not done enough to rid the country of those dead-weights which would prevent the changes they contemplated working with effectiveness. Whether they wished to facilitate the distribution of land by private ownership or through the action of responsible corporations, the ingenuity of the lawyers raised a great barrier to the free acquisition transfer and sale of land. As an instance (*sic*) the speaker quoted an instance where it cost £1,000 to dispose of land valued at £10,000 for building purposes. That showed how far the intricacies and technical obstacles of the law stood in the way of reforms, which they wished to see carried into effect." The speaker in question was, it should be stated, one of the leading officers of the society, and he was at the time a well-known member of Parliament. Every solicitor in this room knows the scale-charge allowed to a vendor's solicitor under the Act of 1881 on a sale of land for £10,000 is £70, and not £1,000. Even on property that realises £100,000 the remuneration is limited to £295—indeed, that sum is the utmost a vendor's solicitor is entitled to, even if the purchase-money amounts to one million pounds. As I would not dare to doubt the word of one of our elected legislators, I am willing to believe that in stating that the costs came to £1,000, the speaker had in his mind a transaction that had happened prior to 1881; but it is safe to conclude he was wholly unaware of the Remuneration Act of 1881, or as an honourable man—which I firmly believe the speaker is—he would have taken care to inform his hearers that solicitors were, in fact, since 1881, bound by a scale under which the vendor's solicitor's costs were limited to little more than one-fifteenth of the sum he had mentioned. If a person who could fairly claim to be an enlightened member of society, and a lay expert on the subject of conveyancing, can entertain such views of our profession and of the present system of conveyancing, is it to be wondered at that the general public, from want of knowledge, are ready to condemn a system which they are assured by persons of apparent light and leading is fraught with nothing but evil? I also attribute the passing of the present Act to political considerations. Infected by views similar to those to which expression was given by the speaker to whom I have referred, the introduction of a measure which professes to cut down solicitors' charges, assumed without justification to be enormous, and which promises to simplify the transfer of property, is naturally looked upon with approval by the masses. Neither of our political parties despises the credit to be gained by being considered public benefactors, and each party vies with the other in seeking to impress on the electors that "Codling is their friend, not Short." The fact that it is essential that solicitors (to whom are, and must of necessity be, entrusted concerns the most vital and important to the individual and to the community) should, in the interests of the public, be reasonably remunerated, does not seem to occur to or to influence anyone. The existence of the Land Registry Office created by the Land Transfer Act of 1862 helped materially to bring about the passing of the new Act. The office has admittedly been a dismal failure. Although open to the whole country for a period of over thirty years, the number of transactions registered constitutes a very small fraction indeed of the transactions carried out during that time. The officials wish it to be believed that this is due to the hostility of the legal profession who, it is alleged—the Act being permissive—used their influence to prevent purchasers from registering their titles. An instance which I can give fro n my own experience is sufficient to prove that the official explanation is as far as possible from the truth. One of the leading London land societies, owning some thirty building estates in and about London, purchased, some years back, an estate which had been registered at the Land Registry with an indefeasible title. Following the practice of other land societies, the society in question conveyed the plots direct to their purchasers without the intervention of any solicitor. After a very short experience the society found its work with respect to the estate in question so terribly hampered by the registry office, that the directors, on their own initiative, found it absolutely necessary to ignore altogether the official registry. It was then left to the individual allottees to register their conveyances or not, as they pleased, and I have heard many mournful complaints of the serious trouble, expense, and excessive delay experienced by purchasers of plots on the estate who deemed it expedient to register their titles. With knowledge thus acquired of the working of the earlier Acts, it cannot be a matter for surprise that property owners, and not only solicitors, have been proof against the blandishments of the registry office. It is equally not a matter for surprise that the officials, with a natural desire to maintain their positions and to justify the continued existence of the registry, have striven might and main to induce the Government to make registration of title compulsory. For the moment they have unfortunately partially succeeded, as there is too much reason to fear the public will soon realise to its bitter cost. It is not my purpose to criticize the new Act in detail, as this will, I believe, be done in other papers to be read at this meeting. Unquestionably the Act is one that is open to serious adverse criticism. I will not even stay to lay stress upon the pernicious system adopted of leaving the Land Transfer Act of 1875 in existence, and simply amending, qualifying, repealing, and patching some of its provisions, instead of repealing the Act in whole and re-enacting its provisions so far as it was desirable. I may, however, usefully call attention to one or two ordinary every-day transactions, as carried out at the present time, by way of contrast with the manner in which they will apparently have to be carried out if and when the new Act comes into operation. At the present time, a person who is desirous of selling a house takes care that in the contract entered into he provides for the absence of any evidence of the title which is not in his possession, and the purchaser's solicitor, acting with a technical knowledge acquired by experience, is able easily to conclude whether or not the want of such evidence is material. In many cases titles are accepted where it is impossible to obtain such evidence, or where it could only be obtained at an expense which the parties will not incur. After, however, the present Act comes into operation, it is important to know how the purchaser who will be compelled to register his title at the Land Registry will fare. Anyone with experience of Government offices knows that they are more than ordinarily careful in investigating every matter appearing on the title, and that they do not feel themselves free to anything like the same extent as the ordinary practitioner to waive or dispense with evidence of matters more or less material. There is too much reason to fear that upon this point the Land Registry will be in the future, as it has been in the past, quite as inflexible as are other Government departments, and it is impossible to foresee how, in many cases, the registrar will be satisfied unless the unhappy purchaser incurs a very large expense in proving every conceivable matter that may appear on the title. In many cases a property has been purchased under conditions which precluded the purchaser from objecting to the fact that some of the deeds prior to 1838 were unstamped, or insufficiently stamped. It remains to be seen what view the registrar will take of such deeds when brought into the registry and are subjected to his scrutiny. It is impossible to say to what extent the purchaser may in many cases find his purchase-money increased by the expenses he will be put to when the actual day is at length reached when

all the office formalities are completed. Of course, I am aware that the registrar can compromise matters by issuing a certificate to the effect that the purchaser has a qualified or a possessory title, but what will be the effect on the purchaser who brings his property into the market with such a certificate? The public will be apt to exaggerate the significance of such qualified title, and in most, if not all, cases, the purchaser will probably find that he in consequence possesses a property which he cannot dispose of at anything like an adequate price. There is another class of every-day dealings which, I venture to think, will be most seriously hampered by the new Act. I allude to mortgages of property, and particularly to temporary advances. At the present time, a person wishing to obtain a temporory advance takes his deeds to a banker or a solicitor. The deeds, in many instances, give the parties a fair insight into the value of the property by disclosing the amounts at which it has in former times changed hands or for which it has been mortgaged, and the whole transaction can be, and is in a large number of instances, completed at the time by the borrower depositing the deeds and signing a simple memorandum of charge. Assume, however, that the borrower, instead of bringing his title-deeds, takes out of his waistcoat pocket a certificate of the Land Registry. This certificate shows nothing with regard to the former dealings with the property, and consequently affords no data upon which one can form an opinion as to its value. The borrower will be politely informed that before any advance can be made to him the property must be surveyed. The expense and delay which will in consequence result can be easily imagined by business men. To meet the difficulty I have suggested, I am aware that provision is made in the new Act that on the first registration the certificate to be issued may show the actual purchase-money paid. It may turn out, however, that such a remedy will be worse than the disease, as I believe it will be found in practice that business men will not be willing to take it for granted that the figure that may appear is the actual purchase-money that has been paid. The temptation that will exist to overstate the amount, and the fact that the parties may act for themselves, and in that case will not be restrained by the controlling influence of their solicitors, ar ecalculated to lead to deceptive statements being made as to the actual amount of the purchase-money paid for the property. Every practitioner here can, I am sure, readily call to mind cases in which he has prevented amounts being inserted in conveyances in excess of sums for which properties were actually purchased. A favourite argument which the advocates of land registry urge is, that the first purchaser who has to incur all the anxiety, worry, expense, and delay of getting on the register will be amply compensated by having a property that it will be as easy to sell or mortgage as it is to sell or mortgage stocks or shares. The parties who use this argument appear to me to absolutely lose sight of the material distinction that exists between property like shares and house property. In the first place, there is a vast distinction between an unqualified certificate issued by a company and a land certificate, which on the face of it may show that the holder has a quaified or possessory title only. Again, on the transfer of shares in a company there are no questions to be dealt with analogous to those that have to be settled on the transfer of house property. The proper apportionment of rates, taxes, and assessments calls for skilled treatment. Questions of dilapidations, and sanitary and other notices to repair served by the local authorities or by the lessor, if the property is leasehold, must be looked into. Adequate precautions must be taken to secure for the purchaser not only the precious certificate, but actual possession of the property itself, for which, in fact, the purchase-money is paid. Further, in selling any class of property the most important matter is to find the purchaser who will pay an adequate price. Anything that increases the difficulty of this is dearly purchased by a small amount save in the cost of the actual transfer of the property. It is, of course, easy to mortgage or sell Stock Exchange securities which are quoted on the Stock Exchange, and which consequently have a recognised market value. It is, however, far less easy to mortgage or sell stocks and shares which are not quoted on the Stock Exchange. But even here there are means of ascertaining from the officials of the company, or from other sources, at what price dealings have taken place and an approximate estimate of value can consequently be formed. In the case, however, of land or house property, there is no secretary or official to whom reference can be made. I have already indicated the difficulties that will be placed in the way of selling or mortgaging by persons with certificates, indicating that they only possess a qualified or possessory title, or from the fact that no record that can be relied upon will exist showing the prices at which the property has been dealt with previously. There is one safeguard against the Act coming into operation which I venture to hope will sufficiently protect the community from its ill-advised provisions. During the course of the debate in Parliament the authorities indicated that it was their intention to make the County of London the *corpus vile* on which to try the experiment of compulsory registration. It is to be fervently hoped that the authorities may be disappointed on this point, and that the members of the London County Council, when the matter is brought before them, will have sufficient public spirit and enlightenment to require that before such a drastic measure is made to apply to London its operation shall be first seen and noted in some other county in England where the interests involved do not approach the magnitude, complexity, and importance of those under the jurisdiction of the London County Council. If the members of the county council want any information with regard to the probable working of the Act I would venture to ask them to make inquiries in the Solicitors' Department of their own office. Anyone who has had any dealings with that office is well aware that the council is admirably served by competent legal advisers. Probably the transactions carried out in the office of the council would not represent one-thousandth part of the work that would be thrown on the Land Registry Office if the new Act is allowed to come into operation in London. I cannot ask for anything better than that the members of the county council should find out from their own advisers what the probable effect of the new Act would be if the work in their own department was increased in anything like the proportion I have indicated. The matter is primarily of vital importance to the public, our clients, and, in a much minor degree, to ourselves as solicitors.

SOLICITORS' BENEVOLENT ASSOCIATION.

The annual meeting of the Solicitors' Benevolent Association was held on Thursday, the 7th inst., at the Cutlers' Hall, Sheffield, in connection with the Provincial Meeting of the Incorporated Law Society, Mr. Wm. Smith (Sheffield) presiding.

The report stated that since the last general meeting 132 new members had been admitted. The total number of members now enrolled was 3,425; of these 1,135 were life and 2,290 annual subscribers; 59 life members were also contributors of annual subscriptions ranging from one to five guineas each. The result of the thirty-seventh anniversary festival, held in May at the Hotel Cecil, when Sir John B. Monckton (Town Clerk of London) presided, was very gratifying. The sum of £908 was collected, exclusive of the munificent anonymous donation of £5,000 received on the day of the dinner. The total net result of the festival was £5,829. The total capital of the association now consists of £50,834 2s. 9d. stock, in addition to the sum of £5,368 18s. 6d. stock pertaining to the Reardon bequest. During the year 204 grants had been made from the funds, amounting to £3,927 10s. Of this sum eight members and thirty-six members' families received £1,815, while twenty-nine non-members and 131 non-members' families received £2,112 10s. The sum of £175 was also paid to annuitants from the income of the late Miss Ellen Reardon's bequest; £28 to the recipient of the "Hollams Annuity, No. 1"; £30 to the recipient of the "Hollams Annuity, No. 2"; and £30 to the recipient of the "Victoria Jubilee Annuity." The Council of the Incorporated Law Society had announced that the "Victoria Pension Fund," now being raised in commemoration of the Diamond Jubilee of Her Majesty the Queen, would be handed to the association for administration, the fund being separately invested and the income applied in granting annuities.

Mr. John Hunter (London) moved a vote of condolence with the family of the late Mr. Herbert Bramley. He said that Mr. Bramley had always taken the greatest interest in the association, and had promised to canvass Sheffield energetically on the present occasion.

Mr. Granthan R. Dodd seconded the motion, which was agreed to.

The Chairman moved the adoption of the report.

Mr. C. Mylne Barker (London) expressed the opinion that a larger sum should be distributed annually, and that the association should not go on accumulating investments.

Mr. Daniell (Bristol), Mr. Edwards (Liverpool), and others also spoke to the same effect, whilst Mr. Margetts (Huntingdon), Mr. Ellett (Cirencester), Mr. Wm. Godden (London), Mr. Blyth (London), and others thought it sufficient to distribute the income from subscriptions, whilst legacies and donations should be invested.

The report was adopted.

LEGAL NEWS.

APPOINTMENT.

Mr. Henry Sayer, Deputy Town Clerk of Sheffield, who for more than a quarter of a century has been in the service of the Sheffield Corporation, has been appointed Town Clerk, in succession to the late Mr. Herbert Bramley. Mr. Sayer was admitted in 1880.

CHANGES IN PARTNERSHIPS.

Dissolution.

Robert Devereux and Arthur Heiron, solicitors, 21, Lime-street, London (Devereux & Heiron). Sept. 30. [*Gazette*, Oct. 8.

INFORMATION WANTED.

Alfred Morgan—Any person holding a will or other testamentary disposition or any securities of Alfred Morgan, late of Woodlands, Tenby, Pembroke, Esq., who died on the 10th of September last, is requested forthwith to communicate with F. J. & G. J. Braikenridge, Solicitors, 16, Bartlett's-buildings, London, E.C.

GENERAL.

It is officially announced that the autumn assizes for Kent will be held at Canterbury, instead of at Maidstone, on Friday, the 19th of November.

The *Globe* says it is reported that the Lord Chief Justice is confined to his bed at Tadworth Court from the effects of an accident to his left leg. He hopes, however, to be about again very soon.

The next sessions at the Central Criminal Court will begin on Monday, the 25th inst. Mr. Justice Ridley will be the presiding judge, and he will be in attendance at the Old Bailey on Wednesday, the 27th inst.

Sir William Leece Drinkwater, one of the Deemsters of the Isle of Man, has, says the *St. James's Gazette*, been celebrating his jubilee as a judge of the Manx High Court. Sir William, who is eighty-five years of age, was appointed Second Deemster as long ago as 1847, and some ten years later was promoted First Deemster.

Mr. Sayer, the new Town Clerk of Sheffield, has been appointed at a

salary of £1,000 for the first year, to be increased at the end of the first year to £1,050, at the end of the second year to £1,150, and at the end of the third to £1,250. In moving the adoption of the report of the Finance Committee, Alderman Franklin said that every town of a similar size to Sheffield, with the exception of Leeds, paid a higher salary to its town clerk than Sheffield. In Leeds the town clerk was paid £1,250, but if they looked at the cost of the town clerk's staff in Leeds, compared with the cost of that in Sheffield, they found a great saving in Sheffield. The cost of the staff in Leeds was £2,267, whereas the staff in Sheffield, if the Finance Committee's recommendations were adopted, would only be £1,200 to £1,300 a year.

An important question of licensing law came, says the *Times*, before a special meeting of the Birkenhead justices on Saturday week. Immediately before the annual licensing session in August a publican was convicted and fined twice within a week for permitting drunkenness. Renewal of the licence was held over until the adjourned sessions, when the magistrates declined to hear an application for renewal on the ground that appeals were pending against the convictions. The house would consequently have had to be closed after the 10th of October, which ends the licensing year. On Thursday week Mr. Justice Ridley granted a *mandamus* ordering the Bench to hear an application for the renewal, and at a special court on Saturday the magistrates renewed the licence. In doing so the chairman (Mr. Dodds) said the Bench were satisfied that the course they took in refusing to hear the application was well-founded law. They held that they had power to adjourn a licensing meeting until after the 13th of September, and based the opinion on two decisions of the High Court. Mr. Justice Ridley, however, reversed their decision and had directed them to hear the case.

The Comptroller-General of Patents, Designs, and Trade-marks has issued a statement calling attention to the series of indexes and abridgments which have been published by the Patent Office. The abridgments give a general description of the nature of every invention patented, and the object of their publication is to enable the would-be patentee to carry out, at any rate in some cases, what may be termed a fireside search. By the study of these abridgments he will generally be able to select certain inventions which have already been patented, and which resemble his own invention sufficiently to render it desirable for him to examine their specifications in detail. The abridgments are published in volumes, each volume dealing with one particular class of inventions, such as "steam engines," and "cooking and kitchen appliances, &c.," for a period of some years. The volumes up to 1877 are not illustrated, and all the subjects have not yet been dealt with, but from 1877 onwards a systematic series, very fully illustrated, is now in course of publication at a uniform price of 1s. per volume (including inland postage). The volumes for the periods from 1877 to 1883 and from 1884 to 1888 have been completed, those for the periods from 1889 to 1892 and from 1893 to 1896 are in active preparation, and later volumes will follow in due course.

The chairman of a parish council writes to the *Times* to relate his experience of a parish council in a country village. "The only thing," he says, "that has been done by the parish council during the past year has been to repair two stiles at a cost of £1 6s., which could have been done formerly by the vestry without further expense. But, because it was done by a parish council, the expense was more than doubled. The returning officer gets £1, although there was no contested election, and he was not present, and the charges for stamps and statements came to 6s. 2d., making a total of £1 7s. 1d. more than the cost of the repairs. For this important account must, forsooth, be examined by the district auditor, who comes annually from a distance for that purpose, and who requires it to be stamped with a 5s. stamp, and to be written out in a receipt and payment book and again in duplicate on a form of 'financial statement,' with an amazing number of columns, in which our tremendous total of £2 13s. 1d. appears no less than twelve times on each of the two copies. And on sending the form of 'financial statement,' which we were ordered to purchase last year, it was returned and we were informed that the 'form is obsolete' and we had to purchase another, and the only difference which I can see between the two is that one has a cover and the other not. Then there is only one day in the year on which this wonderful council can be elected, and it is ordered to meet four times a year, whether there is any business to transact or not. Last year at two of the meetings of our council all that was done was to sign a precept for the payment of the returning officer and the purchase of stamps, and at a third meeting there was no business at all."

THE PROPERTY MART.

SALES OF ENSUING WEEK.

Oct. 19.—Messrs. BEAN, BURNETT, & ELDRIDGE, at the Mart, at 2 p.m., Freehold Ground-rent of £220 per annum, secured upon property in the City of London. Solicitor, George Lewis, Esq., London. Freehold Property in the City of London, let at £320 per annum. Leasehold Property in St. John's-wood, let at over £100 per annum. Solicitors, Messrs. Bird & Eldridge, London. Freehold Property at Bournemouth, comprising a family residence, cottages, and large pleasure-grounds. Solicitors, Messrs. Watkins, Baylis, & Baker, London. Two Leasehold Houses at Old Ford, producing £75 per annum. Solicitors, Messrs. Mullens & Bosanquet, London. (See advertisement, Oct. 9, p. 4.)

Oct. 20.—Messrs H. E. FOSTER & CRANFIELD, at the Mart, at 2 p.m., Freehold Property, known as the Grimsbury Flour Mills, Oxford, with expensive modern machinery, close to the Manchester, Sheffield, and Lincolnshire Railway. Solicitors, Messrs. Stockton & Sons, Banbury. Improved Leasehold Ground-rents of £37 per annum, secured upon property in Lewisham High-road; Improved Leasehold Ground-rents of £35 per annum, secured upon property at Kingston Hill. Solicitors, Messrs. Thompson, Brooks, & Danby, London. Two Freehold Houses at Manor Park, producing over £40 per annum. Solicitor, J. B. Churchill, Esq., London. (See advertisement, this week, back page.)

Oct. 20.—Mr ERNEST OWERS, at the Mart, at 2 p.m., Freehold Ground-rents of £197 per annum, secured upon properties in Hampstead, Northwood, and Fulham. Solicitors, Messrs. Pladgate & Co., and Ernest Bevir, Esq., of London. Leasehold Properties in South Hampstead, producing £312 per annum. Solicitor, A. W. Vaisey, Esq., of Tring and London. Freehold Residence of about 8 room, at Hampstead, close to 2 railway stations. Solicitors, Messrs. Futvoye, Field, & Baker, of London. Leasehold Dwelling-house at Brixton, let at £26 per annum, ground-rent £3 10s. Solicitors, Messrs. Pladgate & Co., London. (See advertisements, Oct. 9, p. 4.)

Oct. 21.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, at 2 p.m.:

REVERSIONS:

To 6 Freehold Shops at Forest Gate, producing £273 per annum; gentleman aged 41. Solicitors, Messrs. Poole & Robinson, London.

To Leasehold Ground-rents of £67 per annum, secured upon 8 houses at Kilburn; lady aged 73. Solicitor, H. Stanley-Jones, Esq., London.

To one-fifth of £920 on Mortgage and Deposit; lady aged 72. Solicitor, H. Stanley-Jones, Esq., London.

To one-sixth of Leasehold Properties at Stockwell, Pimlico, &c., producing £1,312 per annum; lady aged 68 Solicitor, E. M. Lazarus, Esq., London.

POLICIES:

For £2,500, £1,200, £500, £500, £300, £300, £400, £300, £300, £100. Solicitors, Messrs. Sedgefield & Pryce, Abingdon, and G. L. Matthews, Esq., London.

On the life of Mr. Jabez Spencer Balfour, aged 54, for £500, £250, £250, £250. (See advertisements, this week, back page.)

WINDING UP NOTICES.

London Gazette.—FRIDAY, Oct. 8.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BEATCHFORD, BAYLEY, & Co, LIMITED—Creditors are required, on or before Nov 21, to send their names and addresses, and the particulars of their debts or claims, to Louis C. Tree, 56, Battersea rise

SECURITIES REALIZATION CORPORATION, LIMITED—Petn for winding up, presented Oct 1, directed to be heard on Oct 27. Munns & Longden, 8, Old Jewry, petners' solors. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 26

FRIENDLY SOCIETY DISSOLVED.

KING WILLIAM LODGE OF INDEPENDENT FREE GARDENERS, Shoulder of Mutton Inn, Briestfield, Dewsbury, Yorks. Oct 6

London Gazette.—TUESDAY, Oct. 12.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BULLETIN DEEP LEVEL DEVELOPMENT SYNDICATE, LIMITED—Creditors are required, on or before Nov 8, to send their names and addresses, and the particulars of their debts or claims, to Henry J. Humm, 1, King's Arms yard

DIAMOND JUBILEE SYNDICATE No. 2, LIMITED—Petn for winding up, presented Oct 5, directed to be heard on Oct 20. Smith & Son, Gresham House, Old Broad st, solors for petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 19

INDUSTRIAL PURCHASE DEVELOPMENT CORPORATION, LIMITED—Creditors are required, on or before Nov 24, to send their names and addresses, and the particulars of their debts or claims, to Alexander Brooke Bryden, 43 and 44, Lombard st. Hurrell & Co, 33, Cornhill, solors to liquidator

1897 JUBILEE SITES SYNDICATE, LIMITED—Petn for winding up, presented Oct 7, directed to be heard on Oct 27. Smith & Son, Gresham House, Old Broad st, solors for petner. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 19

MASKELYNE BRITISH TYPEWRITER, LIMITED—Petn for winding up, presented Oct 11, directed to be heard on Oct 27. Vanderpump & Eve, 5, Philpot lane, agents for Ingledew & Co, Swansea, solors for petner. Notice of appearing must reach the first above-named not later than 6 o'clock in the afternoon of Oct 26

NON-INFLAMMABLE WOOD SYNDICATE, LIMITED—Creditors are required, on or before Nov 10, to send their names and addresses to Arthur James Greenop, 15, Victoria st, Westminster

SAILING SHIP "BEDFORDSHIRE" CO, LIMITED—Creditors are required, on or before Nov 20, to send their names and addresses, and the particulars of their debts or claims, to John Herron, Tower bldgs, Water st, Liverpool

STRAWSONS, LIMITED—Creditors are required, on or before Nov 20, to send their names and addresses, and the particulars of their debts or claims, to Lydstone Joseph Langmead, 23, College hill Steele, College hill, solor to the liquidator

WEDDLE & DENNIS, LIMITED—Creditors are requested, on or before Nov 20, to send their names and addresses, and the particulars of their debts or claims, to Mr George S. Oldam, 24, Dale st, Liverpool. Lowndes & Co, Liverpool, solors for liquidator

FRIENDLY SOCIETIES DISSOLVED.

GARDNER STREET UNITED BENEFIT SOCIETY, Woolpack Hotel, Gardner st, Hurstmonceux, Sussex. Oct 6

LOYAL LAMB LODGE ANCIENT SHEPHERDS SOCIETY, Townhall, Sowerby Bridge, Halifax. Sept 29

QUARNDON FEMALE FRIENDLY SOCIETY, School House, Quarndon, Derby. Oct 6

UNITIVE FRIENDLY SOCIETY OF WORKMEN, Colliers' Arms Inn, Kenfig Hill, Glamorgan. Sept 29

CREDITORS' NOTICES.

UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct. 1.

AUSTIN, JAMES, Erdington, Warwick Nov 1 Restall, Birmingham

BIRLEY, THOMAS HORNBY, Manchester, Commission Agent Oct 29 Slater & Co, Manchester

BOSVILLE-JAMES, ELLEN, Maida Vale Dec 1 Wadeson & Malleson, Devonshire sq

BOURNE, WILLIAM, Oxted, Surrey Nov 8 Newland, Warwick st, Regent st

BURGIS, Rev WILLIAM ROBY, Shardlow, Derby Dec 31 Salusbury & Woodhouse, Leicester

CAMPBELL, ROBERT MOUNT COLE, Perth, Western Australia, Surveyor Nov 1 Parson & Co, Sherborne lane

CHARE, HENRY, Bidford, Warwick Oct 25 Scott, Alcester

CUNDY, JANE, Chesterfield Dec 1 Shipton & Co, Chesterfield

DYSON, JOSEPH, Lianover Dore, Derby, Commercial Traveller Nov 1 Wilson, Sheffield

EVANS, JOHN, Brecon, Brewer Oct 16 Edgar & Co, Brecon

FAWCETT, FRANCES, Westbourne ter Nov 8 Powell & Skuse, Essex st, Strand

FENTON, MARK ANTHONY, Coventry Nov 6 Kirby & Sons, Coventry

GARRATT, HANNAH ELIZABETH, Shorne, nr Gravesend Oct 21 Thomsons & Co, Cornhill
HARPER, THOMAS, Plymouth Dec 1 Wilson, Plymouth
HARE, HENRY, Leake, Lincoln, Farmer Nov 1 Millington & Simpson, Boston
HENSHALL, BENJAMIN, Macclesfield Nov 2 May, Macclesfield
HOLLINGWORTH, DAVID GEORGE, Tipton, Stafford Nov 3 Round, Tipton
HOOLE, RICHARD, Albrighton, Salop, Farmer Oct 28 Osborne, Shifnal
HUGHES, JOHN, Liverpool Oct 30 Hosking, Liverpool
LAURENCE, HOWARD, Queen Anne's mansions, Westminster Nov 9 Thorowgood & Co, Copthall court
LUSCOMBE, SARAH, Plymouth Dec 1 Wilson, Plymouth
MACDONALD, Miss FLORA ANN, Walthamstow Oct 30 Houghton & Son, New Broad st
MACRAE, GEORGE GORDON, Hartford, Chester Nov 15 Oliver Jones & Co, Liverpool
MCKENZIE, AGNES, Liverpool Aug 30 Hosking, Liverpool
MARSH, HANNAH, Ashover, Derby Dec 1 Shipton & Co, Chesterfield
MASON, MATILDA, Gosport, Hants Nov 2 Blake & Co, Portsmouth
MORRIS, ELIZABETH, Gwersyllt, nr Wrexham Nov 19 Mylchreest, Liverpool
NORTON, WILLIAM SHIELD, Sheffield Nov 1 Henry Vickers & Co, Sheffield
ATTIESON, ISAAC, Wigton, Cumberland, Manufacturer Oct 21 Thomas Rigg, Wigton
PIGOTT, CHARLES BERKELEY, Colonel in the 21st Lancers Nov 1 Leman & Co, Lincoln's inn fields
PUNFIELD, ELLEN, Bristol Nov 18 Press & Co, Bristol
RALPH, WILLIAM, Dunkirk, Kent, Fruit Grower Nov 1 Johnson, Faversham
ROBERTSON, WILLIAM HENRY, Buxton Nov 9 Bennett & Co, Buxton
SARSFIELD, WILLIAM, Durham Oct 30 Brownless, Durham
SIM, CHARLES ALEXANDER, Palace st, Victoria st Nov 8 Bedford & Co, Gt Tower st
SKIDMORE, JOHN, Worcester Oct 11 Foster & Co, Birmingham
SLADE, Colonel CHARLES GEORGE, Duke st, Portland pl Nov 9 Graham & Co, Old Jewry chmbrs
SLINGER, ISABELLA, Dow Holm over Wyersdale, nr Lancs Nov 1 Smith & Son, Liverpool
STAGG, CHARLES, East Sheen, Surrey Nov 27 Vincent & Vincent, Budge row
SMITH, THOMAS, Coventry Nov 6 Kirby & Sons, Coventry
THORNE, WILLIAM HENRY, Bridgend, Glam, Auctioneer Oct 7 David, Bridgend
TURNER, BENJAMIN ISAAC, Boscombe Oct 30 Sharp & Rumsey, Bournemouth
WAILES, ELINOR, Tynemouth Nov 1 Cooper & Goodger, Newcastle on Tyne
WALTON, ELIJAH, Broomsgrove Nov 23 Ryland & Co, Birmingham
WINGFIELD, Rev CHARLES LEE, Oxford Oct 28 Clabon, Gt George st

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 8.

RECEIVING ORDERS.

BALL, GEORGE, Rillington, Yorks, Market Gardener Scarborough Pet Oct 4 Ord Oct 4
BARROW, WILLIAM, Landport, Butcher Portsmouth Pet Sept 4 Ord Oct 4
BATEMAN, HARRY EDWARD GEORGE, Gt Yarmouth, Cycle Manufacturer Gt Yarmouth Pet Sept 23 Ord Oct 4
BOOTH, GEORGE, Sheffield, Greengrocer Sheffield Pet Oct 5 Ord Oct 5
BRAYSHAW, WILLIAM FREDERICK DYSON, Stockton on Tees, Hattier Stockton on Tees Pet Oct 2 Ord Oct 2
BROUGHTON, ROBERT, and WILLIAM DANDO, Caerphilly, Glam, Ornamental Sculptors Cardiff Pet Oct 2 Ord Oct 4
BURRELL, JAMES, Ashton on Mersey, Tailor Manchester Pet Aug 18 Ord Oct 6
CHESSERIGHT, LAURA SELINA, Wolverhampton, General Draper Wolverhampton Pet Oct 2 Ord Oct 4
CLARKE, THOMAS JAMES, Manchester, Grocer Manchester Pet Oct 4 Ord Oct 4
CLEWS, CHARLES, Leigh, Staffs Burton on Trent Pet Oct 5 Ord Oct 5
CROFT, FREDERICK JOSEPH, Swansea, Commission Agent Swansea Pet Oct 2 Ord Oct 2
CROOME, ALGERNON, Islington, Bookseller High Court Pet Sept 17 Ord Oct 4
DANDO, GEORGE, Bedminster, Grocer Bristol Pet Oct 5 Ord Oct 5
EVANS, ALBERT HENRY, Cardiff, Butcher Cardiff Pet Oct 4 Ord Oct 4
FENTON, GEORGE, Cleethorpes, Lincs, Grocer Gt Grimsby Pet Sept 17 Ord Oct 4
FRASER, BARNETT, Blackburn, Tailor Blackburn Pet Oct 4 Ord Oct 4
GRAHAM, JOHN, Newlands, nr Keswick, Licensed Victualler Cockermouth Pet Oct 4 Ord Oct 5
GRIFFITHS, JOHN, Ogmore Vale, Glam, Hairdresser Cardiff Pet Oct 5 Ord Oct 5
GROVES, WILLIAM CHARLES MARSDEN, Pontypridd, Licensed Victualler Pontypridd Pet Oct 5 Ord Oct 5
HALL, JOHN HENRY, Norton, Derby, Meat Salesman Sheffield Pet Oct 4 Ord Oct 4
HARRIS, ALECIA ANNA, Leicester, Dressmaker Leicester Pet Oct 6 Ord Oct 6
HUGHES, HUGH BARNES, Afonwen, Flint, Licensed Victualler Chester Pet Oct 4 Ord Oct 4
JARMICHEN, MAX, Birmingham, Merchant Birmingham Pet Oct 6 Ord Oct 6
JONES, GRIFFITH, Llanllyfni, Carnarvon, Quarryman Bangor Pet Oct 2 Ord Oct 2
LACY, HERBERT, Whitechapel rd, Chemist High Court Pet Oct 6 Ord Oct 6
LEWIS, HARRY J, Chancery lane, Solicitor High Court Pet Sept 14 Ord Oct 7
MEGGINSON, STEPHEN, Scarborough, Sailmaker Scarborough Pet Oct 4 Ord Oct 4
MIDDLEHURST, JOHN, Bolton, Tailor Bolton Pet Oct 6 Ord Oct 6
MONKS, H DIXON, Liverpool, Corn Broker Liverpool Pet Sept 20 Ord Oct 4
O'GORMAN, JOSEPH, Clapham rd, Comedian High Court Pet Oct 6 Ord Oct 6
PARKER, GEORGE SAMUEL, and GEORGE WILLIAM HOLDEN, Bath, Cycle Manufacturers Bath Pet Oct 6 Ord Oct 6
PEEL, GEORGE, jun, Barnsley, Yorks, Butcher Barnsley Pet Oct 6 Ord Oct 6
POSTER, GEORGE, Abercarn, Mon, Butcher Newport, Mon Pet Oct 6 Ord Oct 6
PRICE, BENJAMIN HENRY, Old Hill, Staffs, Chainmaker Dudley Pet Oct 4 Ord Oct 4
RAMSHAY, GEORGE ALLAN, Brampton, Cumbrid, Innkeeper Carlisle Pet Oct 4 Ord Oct 4
RENWICK, JAMES, South Shields, Commission Agent Newcastle on Tyne Pet Oct 5 Ord Oct 5
RUTHERFORD, ARTHUR, Dukinfield, Cheshire, Gas Engine Maker Ashton under Lyne Pet Oct 6 Ord Oct 6
SMITH, JOHN GEORGE, Sandball Mansie, Cheshire, Farmer Birkenhead Pet Sept 25 Ord Oct 6
STAMP, JOSEPH JOHN SEARLE, Exeter, General Agent Exeter Pet Oct 4 Ord Oct 4
STAVELEY, JOHN, Leeds, Joiner Leeds Pet Oct 4 Ord Oct 4
SWIFT, FRANK, Margate, Plumber Canterbury Pet Oct 4 Ord Oct 4
TRUMAN, JOSEPH, Reading, Advertising Agent High Court Pet Oct 4 Ord Oct 4
WOOD, JOSEPH, Leeds, Baker Leeds Pet Oct 6 Ord Oct 6

Amended notice substituted for that published in the London Gazette of July 6:

STANDING, JAMES, Putney, Comedian Wandsworth Pet April 8 Ord July 1

Amended notice substituted for that published in the London Gazette of Sept 24:

DODDS, HENRY, Bradford, Draper's Manager Manchester Pet Aug 13 Ord Sept 20

ORDER RESCINDING RECEIVING ORDER.

ILLINGWORTH, GEORGE, Shipley, nr Bradford, out of business Bradford Ord Sept 20 Resc Oct 4

FIRST MEETINGS.

BALL, GEORGE, Rillington, Yorks, Market Gardener Oct 19 at 12 Off Rec, 74, Newborough st, Scarborough
CLEWS, CHARLES, Leigh, Staffs Oct 15 at 3.45 White Hart Hotel, Uttoxeter
CROOME, ALGERNON, Islington, Bookseller Oct 15 at 12 Bankruptcy bldgs, Carey st
CURTIS, PATRICK, Stafford, Innkeeper Oct 18 at 2 Off Rec, Figtree lane, Sheffield
DODDS, HENRY, Bradford, Draper's Manager Oct 15 at 2.30 Off Rec, Byrom st, Manchester
GALLOWAY, FRANCIS HENRY, Leeds, Cloth Manufacturer Oct 19 at 11 Off Rec, 31, Manor row, Bradford
GREGORY, JOHN, Uttoxeter, Baker Oct 18 at 3.15 White Hart Hotel, Uttoxeter
HALL, JOHN HENRY, Norton, Derby Oct 18 at 2.30 Off Rec, Figtree lane, Sheffield
HELLIAR, ALLAN, Liscard, Auctioneer Oct 18 at 2.30 Off Rec, 35, Victoria st, Liverpool
HOLLIS, ALFRED GEORGE, Southsea Oct 15 at 3 Off Rec, Cambridge junct, High st, Portsmouth
ILLINGWORTH, ARTHUR, Leeds, Wholesale Grocer Oct 19 at 11 Off Rec, 22, Park row, Leeds
JACKMAN, THOMAS WILLIAMS, Brixham, Devon, Fish Merchant Oct 15 at 11 10, Athenæum ter, Plymouth
LAMBERT, THOMAS, Hoyland Common, nr Barnsley, Draper Oct 15 at 10.15 Off Rec, Regent st, Barnsley
LAWTY, EDWARD, Hunmanby, Yorks, Farmer Oct 15 at 11.30 Off Rec, 74, Newborough st, Scarborough
MEGGINSON, STEPHEN, Scarborough, Sailmaker Oct 19 at 11 Off Rec, 74, Newborough st, Scarborough
MILLS, JOSEPH ARTHUR, Loughborough, Cycle Manufacturer Oct 15 at 12.30 Off Rec, 1, Berridge st, Leicester
PLANT, ALFRED, Stanway, Essex, Brick Manufacturer Oct 18 at 11.30 Cups Hotel, Colchester
READ, CHARLES EDWARD, Rotherham, Yorks, Furniture Dealer Oct 18 at 3 Off Rec, Figtree ln, Sheffield
ROBINSON, CHARLES, Manchester Oct 20 at 2.30 Off Rec, Byrom st, Manchester
SWIFT, FRANK, Margate, Plumber Oct 16 at 11 Off Rec, 73, Castle st, Canterbury
TIPPING, JOHN, Liscard, Builder Oct 18 at 12 Off Rec, 35, Victoria st, Liverpool
TOOKE, CHARLES STANNARD, Ramsgate, Fisherman's Outfitter Oct 16 at 11.30 Off Rec, 73, Castle st, Canterbury
WALKER, GEORGE ALFRED, Kingston upon Hull, Glass Dealer Oct 15 at 11 Off Rec, Trinity House lane, Hull

NOTICE OF DAY APPOINTED FOR PROCEEDING WITH PUBLIC EXAMINATION ADJOURNED SINE DIE.

SHAW, ISAAC BINGLEY, 4, Long row, Nottingham, Music Seller and Pianoforte Dealer Nottingham Oct 20 at 11.30 County Court House, St Peter's gate, Nottingham

ADJUDICATIONS.

BALL, GEORGE, Rillington, Yorks, Market Gardener Scarborough Pet Oct 4 Ord Oct 4
BOOTH, GEORGE, Sheffield, Greengrocer Sheffield Pet Oct 5 Ord Oct 5
BRAYSHAW, WILLIAM FREDERICK DYSON, Stockton on Tees, Hattier Stockton on Tees Pet Oct 2 Ord Oct 2
BROUGHTON, ROBERT, and WILLIAM DANDO, Caerphilly, Glam, Ornamental Sculptors Cardiff Pet Sept 2 Ord Oct 4
CLARK, THOMAS JAMES, Manchester, Grocer Manchester Pet Oct 4 Ord Oct 4
CROFT, FREDERICK JOSEPH, Swansea, Commission Agent Swansea Pet Oct 2 Ord Oct 2
EVANS, ALBERT HENRY, Cardiff, Butcher Cardiff Pet Oct 4 Ord Oct 4
FITTON, RICHARD EDWIN, Manchester, Yarn Agent Manchester Pet Sept 30 Ord Oct 4
FRASER, BARNETT, Blackburn, Tailor Blackburn Pet Oct 4 Ord Oct 4
GRAHAM, JOHN, Newlands, nr Keswick, Licensed Victualler Cockermouth Pet Oct 4 Ord Oct 5
GRIFFITHS, JOHN, Ogmore Vale, Glam, Hairdresser Cardiff Pet Oct 5 Ord Oct 5
GROVES, WILLIAM CHARLES MARSDEN, Pontypridd Licensed Victualler Pontypridd Pet Oct 5 Ord Oct 5
HALL, JOHN HENRY, Norton, Derby Sheffield Pet Oct 4 Ord Oct 4
HARRIS, ALECIA ANNA, Leicester, Dressmaker Leicester Pet Oct 6 Ord Oct 6
HUGHES, HUGH BARNES, Caerwys, Flint, Licensed Victualler Chester Pet Oct 4 Ord Oct 4
JONES, GRIFFITH, Llanllyfni, Carnarvon, Quarryman Bangor Pet Oct 2 Ord Oct 2
LACY, HERBERT, Whitechapel rd, Chemist High Court Pet Oct 6 Ord Oct 6
LAWTY, EDWARD, Hunmanby, Yorks, Farmer Scarborough Pet Sept 11 Ord Oct 6
MEGGINSON, STEPHEN, Scarborough, Sailmaker Scarborough Pet Oct 4 Ord Oct 4
MIDDLEHURST, JOHN, Bolton, Tailor Bolton Pet Oct 6 Ord Oct 6
O'GORMAN, JOSEPH, Clapham rd, Comedian High Court Pet Oct 6 Ord Oct 6
PEEL, GEORGE, jun, Barnsley, York, Butcher Barnsley Pet Oct 6 Ord Oct 6
POSTER, GEORGE, Abercarn, Mon, Butcher Newport, Mon Pet Oct 6 Ord Oct 6
PRICE, BENJAMIN HENRY, Old Hill, Staffs, Chainmaker Dudley Pet Oct 4 Ord Oct 4
RAMSHAY, GEORGE ALLAN, Brampton, Cumberland, Innkeeper Carlisle Pet Oct 4 Ord Oct 4
SENIOR, ERNEST, Denton, Lancs, Printer Ashton under Lyne Pet Sept 10 Ord Oct 2
SHEPPARD, CHARLES, Ryde, I of W, Boot Dealer Newport Pet Sept 15 Ord Oct 1
SOADY, J C, H M S "Minotaur," at Portsmouth, Lieut Portsmouth Pet July 20 Ord Oct 4
STAMP, JOSEPH JOHN SEARLE, Exeter, General Agent Exeter Pet Oct 4 Ord Oct 4
STAVELEY, JOHN, Leeds, Joiner Leeds Pet Oct 4 Ord Oct 4
SWIFT, FRANK, Margate, Plumber Canterbury Pet Oct 4 Ord Oct 4
TRUMAN, JOSEPH, Reading, Advertising Agent High Court Pet Oct 4 Ord Oct 4
WOOD, JOSEPH, Leeds, Baker Leeds Pet Oct 6 Ord Oct 6

Amended notice substituted for that published in the London Gazette of Aug. 17.:

STANDING, JAMES, Putney, Comedian Wandsworth Pet April 2 Ord Aug 12

ADJUDICATION ANNULLED.

ELLIS, SAMUEL HENRY, Leicester, Baker, Leicester Adjud April 19, 1894 Annul Oct 4

London Gazette.—TUESDAY, Oct. 12.

RECEIVING ORDERS.

BENDRY, THOMAS, Chippenham, Wilts, Coach Smith Bath Pet Oct 7 Ord Oct 7
BLOTT, ARTHUR FLEETWOOD, Catford Greenwich Pet Aug 18 Ord Oct 5
BOULTON, ARTHUR, Dickleburgh, Norfolk, Wheelwright Ipswich Pet Oct 7 Ord Oct 7
COLEMAN, CHARLES REUBEN, Sherborne, Dorset, Accountant Yeovil Pet Oct 9 Ord Oct 9
DANIEL, CHARLES, Bedminster, Provision Dealer Bristol Pet Sept 21 Ord Oct 8
GALE, WILLIAM CHARLES, Budleigh Salterton, Devon, Watchmaker Exeter Pet Oct 9 Ord Oct 9
GODKIN, ELIZA Derby, Grocer Derby Pet Sept 25 Ord Oct 8
GREEN, JAMES HENRY, Cardiff, Schoolmaster Cardiff Pet Oct 8 Ord Oct 8
GROVER, ALFRED, Broad st bldgs, Financier High Court Pet Aug 4 Ord Oct 8
HANCOCK, THOMAS, Moses Gate, Bolton Bolton Pet Sept 29 Ord Oct 4
HOGG, SAMUEL WOOD, Sheffield, Grocer Sheffield Pet Oct 9 Ord Oct 9
JOHNSON, JOHN DUKE, Blackburn, Joiner Blackburn Pet Oct 9 Ord Oct 9

KNIGHT, EDWARD HENRY, Hampstead, Estate Agent High Court Pet Sept 1 Ord Oct 6
LANGBURN, ROBERT JEFFREY, Middlesborough, Debt Collector Sunderland Pet Oct 5 Ord Oct 5
LAVERTY, JOHN ROBERT, and JAMES THOMAS LAVERTY, jun, Winchester, Wood Carvers Winchester Pet Oct 8 Ord Oct 8
LEWIS, JOHN, Blackwood, Mon Newport, Mon Pet Sept 27 Ord Oct 8
LOMAS, ARTHUR, Manchester, Shipping Merchant Manchester Pet Oct 9 Ord Oct 9
LOVATT, THOMAS HENRY, and CHARLES LOVATT, Mexborough, Yorks, Grocers Sheffield Pet Oct 8 Ord Oct 8
LUFF, HENRY, Wrenbury, nr Nantwich, Small Farmer Nantwich Pet Sept 15 Ord Oct 8
MATHER, ANDREW, Newcastle on Tyne, Builder Newcastle on Tyne Pet Sept 23 Ord Oct 7
MAY, JOHN, Kingston, Carman Kingston, Surrey Pet Oct 9 Ord Oct 9
MUFF, HARRIETT, Bradford Bradford Pet Oct 7 Ord Oct 7
NIXON, FRED, Cardiff, Baker Cardiff Pet Sept 14 Ord Oct 6
PEARSON, THOMAS ROBERT, Harrogate, Yorks, Surgeon York Pet Oct 8 Ord Oct 8
PIGOTT, GEORGE HILLERY, Sheringham, Norfolk, Dairyman Norwich Pet Oct 7 Ord Oct 7
POTTER, ROBERT LOVATT, Birmingham, Draper Birmingham Pet Oct 5 Ord Oct 9
ROBERTS, EDWARD, Truro, Pork Butcher Truro Pet Oct 8 Ord Oct 8
ROYLANCE, CHARLES FREDERICK, Henry st, Gray's inn rd, Cab Proprietor High Court Pet Sept 29 Ord Oct 7
SAINT, FRANCES, Castle Eden, Durham Sunderland Pet Oct 5 Ord Oct 5
SCARISBRICK, ANTHONY, Ealing High Court Pet Sept 21 Ord Oct 7
SMOKLEY, JOHN, Fenchurch st, Engineer High Court Pet Sept 15 Ord Oct 7
SMITH, BENJAMIN, Stockton on Tees, Draper Stockton on Tees Pet Oct 6 Ord Oct 6
SMITH, FRED, St Albans St Albans Pet Aug 19 Ord Oct 6
SUTTON, HARRY, Burton on Trent, Beerseller Burton on Trent Pet Oct 8 Ord Oct 8
TIGNER, WALDEMAR, St John's Wood High Court Pet Sept 10 Ord Oct 7
THOMPSON, WILLIAM, Redcar, York, Fruiterer Stockton on Tees Pet Oct 8 Ord Oct 8
THOMPSON, EDWIN, Staffs Birmingham Pet Sept 24 Ord Oct 7
THURKLE, E, Denmark st, Soho, Sword Cutler High Court Pet Sept 22 Ord Oct 7
TRICE, TOMECHITZ, & Co, Leadenhall st, Merchants High Court Pet Sept 22 Ord Oct 7
UNDERWOOD, JOHN, jun, Darlington, Joiner Stockton on Tees Pet Oct 7 Ord Oct 7
WARD, JOSEPH, Cleckheaton, Yorks, Butcher Bradford Pet Oct 8 Ord Oct 8
WHEELER, ARTHUR ADIAN, Cannon st High Court Pet Oct 8 Ord Oct 8
WILKINSON, H W, Charing Cross rd High Court Pet Sept 14 Ord Oct 7
WOOD, CHARLES, King's Norton, Worcs, Grocer Birmingham Pet Oct 8 Ord Oct 8
WORTHEY, JOHN ALBERT, Firvale, Sheffield, Boot Dealer Sheffield Pet Sept 20 Ord Oct 7
Amended notice substituted for that published in the London Gazette of June 25:
HAYCROFT, THOMAS ROBERT, Oxford, Grocer Oxford Pet June 4 Ord June 21
Amended notice substituted for that published in the London Gazette of Sept 21:
MATTHEWS, JOSEPH, Warrington, Builder Warrington Pet Sept 18 Ord Sept 18

FIRST MEETINGS.

BENDRY, THOMAS, Chippenham, Wilts, Costhamith Oct 20 at 3.30 Off Rec, Baldwin st, Bristol
BETTRIDGE, HENRY JOHN FISHER, Steventon, Berks, Grocer Oct 21 at 12 1, St Aldate's, Oxford
BOOTH, GEORGE, Sheffield, Greengrocer Oct 22 at 3 Off Rec, Figtree lane, Sheffield
BOULTON, ARTHUR, Dickleburgh, Norfolk, Wheelwright Oct 22 at 10.30 Off Rec, 36, Princes st, Ipswich
BOURNE, MELINA AUGUSTA, Bournemouth Oct 20 at 1 Off Rec, Salisbury
BRAID, ALEXANDER McDONALD, Truro, Travelling Draper Oct 21 at 12 Off Rec, Baldwin st, Bristol
BROOK, CHARLES HERBERT, St Helen's, Lancs, Ironmonger Oct 20 at 12 Off Rec, 35, Victoria st, Liverpool
BROWN, WILLIAM JOHN, Newport, Mon Oct 20 at 12 Off Rec, Gloucester Bank chmbrs, Newport, Mon
BURDEN, THOMAS LAURENCE, Upton Pyne, nr Exeter, Farmer Oct 21 at 10.30 Off Rec, 13, Bedford circus, Exeter
CLARK, THOMAS JAMES, Manchester, Grocer Oct 20 at 3.45 Off Rec, Byrom st, Manchester
CROFT, FREDERICK JOSEPH, Swansea, Commission Agent Oct 20 at 2.30 Off Rec, 31, Alexandra rd, Swansea
DANDO, GEORGE, Bedminster, Grocer Oct 20 at 12.45 Off Rec, Baldwin st, Bristol
FANTHING, WILLIAM JAMES, Clapton, Somerset, Farmer Oct 20 at 12.30 Off Rec, Baldwin st, Bristol
FENTON, GEORGE, Cleethorpes, Grocer Oct 20 at 11 Off Rec, 15, Osborne st, Gt Grimsby
FITTON, RICHARD EDWIN, Oldham, Yarn Agent Oct 20 at 3.30 Off Rec, Byrom st, Manchester
GALE, WILLIAM CHARLES, Budleigh Salterton, Devon, Watchmaker Oct 21 at 10 30 Off Rec, 13, Bedford circus, Exeter
HALES, RALPH HARRY, Manchester, Grocer Oct 20 at 3 Off Rec, Byrom st, Manchester
HARRISON, ARTHUR, West Ashby, Lincs, Cattle Dealer Oct 26 at 12 Off Rec, 31, Silver st, Lincoln
HART, J J, Chiswick Oct 20 at 3 Off Rec, 95, Temple chmbrs, Temple avenue
HARVEY, JESSE, Birmingham, Greengrocer Oct 22 at 12 23, Colmore row, Birmingham
HAYDEN, HENRY, Port Talbot, Glam, Hay Merchant Oct 20 at 12 Off Rec, 31, Alexandra rd, Swansea
JENNINGS, FRANCIS JAMES, Burton on Trent, Solicitor Oct 19 at 3 Midland Hotel, Station st, Burton on Trent
LACY, HERBERT, Whitechapel rd, Chemist Oct 21 at 12 Bankruptcy bldgs, Carey st
LEGGETT, ROBERT, Middleton, Suffolk, Carpenter Oct 23 at 12 Off Rec, 8, King st, Norwich
MORGAN, CHARLES, Cranborne, Dorset, Farmer Oct 19 at 3 Off Rec, Salisbury
MUFF, HARRIETT, Bradford Oct 22 at 11 Off Rec, 31, Manor row, Bradford
O'GORMAN, JOSEPH, Clapham rd, Comedian Oct 21 at 1 Bankruptcy bldgs, Carey st
PARKER, GEORGE SAMUEL, and GEORGE WILLIAM HOLDEN, Bath, Cycle Manufacturers Oct 20 at 3 Off Rec, Baldwin st, Bristol
PARKIN, WILLIAM HENRY, Haggerstone rd, Pianoforte Manufacturer Oct 20 at 11 Bankruptcy bldgs, Carey st
PEARSON, THOMAS ROBERT, Harrogate, York, Surgeon Oct 26 at 12.30 Off Rec, 28, Stonegate, York
POSTER, JAMES RAVEN, Bow Oct 21 at 11 Bankruptcy bldgs, Carey st
PRICE, BENJAMIN HENRY, Old Hill, Staffs, Chainmaker Oct 22 at 10.30 Off Rec, Wolverhampton st, Dudley
REYNOLDS, JAMES, Cleobury Mortimer, Salop, Plumber Oct 19 at 2.45 8 Thursfield, Solicitor, Oxford st, Kidderminster
ROYLANCE, CHARLES FREDERIC, Henry st, Gray's inn rd, Cab Proprietor Oct 20 at 12 Bankruptcy bldgs, Carey st
RUNGE, BERNHARD, Erdington, Warwicks, Jeweller Oct 19 at 11 23, Colmore st, Birmingham
SLEATH, MALCOLM COULSON, Edmondthorpe, Leics, Grocer Oct 19 at 12.30 Off Rec, 1, Berridge st, Leicester
STAMP, JOSEPH JOHN SEABLE, Exeter, General Agent Oct 21 at 10.30 Off Rec, 13, Bedford circus, Exeter
STAVELEY, JOHN, Leeds, Joiner Oct 20 at 11 Off Rec, 22, Park row, Leeds
STOW, JOHN, Sheffield, Joiner Oct 22 at 2.30 Off Rec, Figtree lane, Sheffield
TATTERSFIELD, GEORGE HENRY, Mirfield, York, Blanket Manufacturer Oct 20 at 3 Off Rec, Bank chmbrs, Batley
TOOLEY, WILLIAM JAMES, Gainsborough, Ironmonger Oct 26 at 12.30 Off Rec, 31, Silver st, Lincoln
TRUMAN, JOSEPH, Reading, Advertising Agent Oct 22 at 12 Bankruptcy bldgs, Carey st
VARLEY, ANTHONY BROWN, Dewsbury, Upholsterer Oct 19 at 3 Off Rec, Bank chmbrs, Batley
VON GRUBEN, ERNST CARL, Pall Mall, Wine Merchant Oct 21 at 12 Bankruptcy bldgs, Carey st
WARD, JOSEPH, Cleckheaton, Yorks, Butcher Oct 25 at 11 Off Rec, 31, Manor row, Bradford
WATTS, BENJAMIN THOMAS, Bristol, Grocer Oct 20 at 12 Off Rec, Baldwin st, Bristol
WEAKE, JAMES, Birmingham, Builder Oct 22 at 11 23, Colmore row, Birmingham
WHYTE, DUNCAN CURRIE, Upper Parkstone, Dorset Oct 20 at 12 30 Off Rec, Salisbury
YONGE, CHARLES WILLIAM, Torrington, Devon, Colonel Oct 19 at 11 King's Arms Hotel, Barnstaple

ADJUDICATIONS.

BATEMAN, HARRY EDWARD GEORGE, Great Yarmouth, Cycle Manufacturer Great Yarmouth Pet Sept 20 Ord Oct 9
BENDRY, THOMAS, Chippenham, Wilts, Costhamith Bath Pet Oct 7 Ord Oct 7
BOULTON, ARTHUR, Dickleburgh, Norfolk, Wheelwright Ipswich Pet Oct 7 Ord Oct 7
COLEMAN, CHARLES REUBEN, Sherborne, Dorsets, Accountant Yeovil Pet Sept 28 Ord Oct 9
GALE, WILLIAM CHARLES, Budleigh Salterton, Devon, Watchmaker Exeter Pet Oct 9 Ord Oct 9
GREEN, JAMES HENRY, Cardiff, Schoolmaster Cardiff Pet Oct 8 Ord Oct 8
HOGG, SAMUEL WOOD, Sheffield, Grocer Sheffield Pet Oct 9 Ord Oct 9
JENSEN, THORWALD EMIL, and AUGUSTE JACOBSEN, Manchester, Dairy Produce Importers Manchester Pet Sept 11 Ord Oct 9
JOHNSON, JOHN DUER, Blackburn, Joiner Blackburn Pet Oct 9 Ord Oct 9
KNIGHT, EDWARD HENRY, Hampstead, Estate Agent High Court Pet Sept 1 Ord Oct 8
LANGBURNE, ROBERT JEFFREY, Middlesborough, Debt Collector Sunderland Pet Oct 4 Ord Oct 5
LEE, JOEL SAMSON, Penarth, Butcher Cardiff Pet June 16 Ord July 10
LEWIS, HARRY JAMES, Chancery lane, Solicitor High Court Pet Sept 14 Ord Oct 8
LOMAS, ARTHUR, Manchester, Shipping Merchant Manchester Pet Oct 9 Ord Oct 9
LOVATT, THOMAS HENRY, and CHARLES LOVATT, Mexborough, Yorks, Grocers Sheffield Pet Oct 8 Ord Oct 8
MATTHEWS, W T, Sutton, Builder Croydon Pet July 2 Ord Oct 6
MUFF, HARRIETT, Bradford, Yorks Bradford Pet Oct 7 Ord Oct 7
OETZMANN, GERTRUDE N, Aldersgate st High Court Pet Sept 9 Ord Oct 8
PIGOTT, GEORGE HILLERY, Sheringham, Norfolk, Dairyman Norwich Pet Oct 6 Ord Oct 7
ROBERTS, EDWARD, Truro, Pork Butcher Truro Pet Oct Ord Oct 7
SAINT, FRANCES, Castle Eden, Durham Sunderland Pet Oct 5 Ord Oct 6
SMITH, BENJAMIN, Stockton on Tees, Draper Stockton on Tees Pet Oct 6 Ord Oct 6
SUTTON, HARRY, Burton on Trent, Beerseller Burton on Trent Pet Oct 8 Ord Oct 8
SHEPHERD, TOBIAS, Ystalyfera, Glam, Ironmonger Neath Pet Sept 20 Ord Oct 8
THOMPSON, WILLIAM, Redcar, York, Fruiterer Stockton on Tees Pet Oct 7 Ord Oct 8
UNDERWOOD, JOHN, jun, Darlington, Joiner Stockton on Tees Pet Oct 7 Ord Oct 7
WARD, JOSEPH, Cleckheaton, Yorks, Butcher Bradford Pet Oct 8 Ord Oct 8
WHEELER, ARTHUR ADIAN, Cannon st High Court Pet Oct 8 Ord Oct 8
WILSON, FRANCIS LAWRENCE, Manchester, Furniture Dealer Manchester Pet July 16 Ord Oct 9
WOOD, CHARLES, King's Norton, Worcesters, Grocer Birmingham Pet Oct 8 Ord Oct 8
Amended Notice substituted for that published in the London Gazette of July 2:
HAYCROFT, THOMAS ROBERT, Oxford, Grocer Oxford Pet June 4 Ord June 28
Amended Notice substituted for that published in the London Gazette of Aug. 13:
PAGE, JOHN, Rhayader, Radnors, Baker Newtown Pet Aug 9 Ord Aug 10
Amended Notice substituted for that published in the London Gazette of Sept. 21.
MATTHEWS, JOSEPH, Warrington, Builder Warrington Pet Sept 18 Ord Sept 18

1897.